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H – 686

International Court of Justice

H0686 - 0002

Notice.

Not to be published until presented before the tribunal in open court and then only that portion actually submitted as evidence.

Ne pas publier avant présentation devant le tribunal en audience publique et seulement la partie réellement versée au dossier.

Nicht zu veroeffentlichen vor Darlegung vor dem Gericht (Tribunal) in oeffentlicher Sitzung und dann nur jenen Teil, welcher tatsaechlich zur Beweisfuehrung uebermittelt wurde.

Не публиковать до того, как представлено на публичном заседании Трибунала и только ту часть, которая представлена в качестве доказательства.

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I certify that none of the documents included herein have been denied by the Tribunal and that this document book has been examined with the prosecution in accordance with the ruling of the Tribunal dated 4 April 1946.

Je certifie qu'aucun des documents ci-inclus n'a été contesté par le Tribunal, et que ce livre de documents a été examiné par le Ministère Public suivant les règles du Tribunal, en date du 4 Avril 1946.

Ich bestaetige, dass kine der hierin enthaltenen Dokumente vom Gerichtshof abgelehnt wurden und dass dieses Dokumentenbuch gemeinsam mit der Anklagevertretung durchgesehen wurde, in Uebereinstimmung mit der Entscheidung des Gerichtshofes vom 4 April 1946.

Signature of Counsel

Signature de l'Avocat

Unterschrift des Verteidigers.

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DOCUMENT BOOK III

(Documents 86 - 96)
(Pages 189 - 240)

for the Defense of the Defendant FRANZ VON PAPEN.

submitted by the Defense Counsel

Dr. EGON KUBUSCHOK

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for the defense of the defendant Franz von Papen

(Doc. 97 - 100

Pages 241 - 250)

Submitted by the Defense Counsel

Dr. Egon KUBUSCHOK

(Note: These documents were produced as exhibits as follows:

No 97 on the 13 June 1946 morning

" 98 " " 14 June 1946 afternoon

" 99 " " 19 June 1946 "

" 100 " " 19 June 1946 "

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Filed June 14, 1946

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Von PAPEN Document No. 86

From:

Schulthess' Europaeischer Geschichtskalender
(Schulthess' Calendar of European History)

Published by Ulrich Thuerauf

New edition, 48th year

Of the complete series: volume 73. 1932

C.H.Beck, Publishers, Munich 1933

12 September. Dissolution (of Reichstag)

.... Reich Chancellor von Papen makes an address to the German people over the radio, on the very evening of the dissolution of the German diet, giving a description of what happened in the Reichstag and emphasizing: The unconstitutional behavior of the president of the Diet made it impossible for the government of the Reich to give an account to the people on the past three months and to inform of the program for the future. The Reichstag listened respectfully to the declamations of Frau Zetkin, the Communist delegate. However the body representing the German people refuses even to hear the declaration of a national government. I am establishing the fact of such procedure by the Reichstag before the German people. At this hour I am concerned to give in this manner an account to the German people on previous actions by the government and on the further objective which it is pursuing in the interest of recovery of the nation. The Reich government forming an indivisible unit, is firmly resolved to continue on the path which it followed through its previous negotiations: The path of a new, independent administration of government for which it was called by the Reich President and to the execution of which we applied ourselves unhesitatingly but without precipitation. The activity of the government consists of closing an epoch that is past and inaugurating a new epoch. That is a matter which involves the honor and self-respect of Germar at the same time forming the only possible basis of cooperation with foreign countries. It is because of this reason that we have now taken up the second question of our equality, the question of armament reduction. Some parties dare to deny the Reich government the right to push forward the great questions vital to the German nation because, purportedly, it rests on too narrow a basis. My reply to these people

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is: Any German government which in this contest takes up this question rests on a much broader basis than any party. It rests on the broadest conceivable foundation, namely the consent and the support of the entire German nation. We want disarmament. Nobody would acclaim it more joyfully than Germany, if all states would redeem their moral and legal obligation towards disarmament, reducing their armaments according to the provisions and standards of the treaty. We also would accept the broadest possible disarmament proposals for Germany, provided they would apply equally to all states. But it is unbearable for us to continue to be treated as a second class nation and to stand defenseless among the states of the European continent bristling in arms. Every living creature asserts a claim to security which will guarantee its existance. We, too, are making this claim. We want peace. We want no warlike adventures, but we decline competitive armament. Nobody pinned higher hopes on the works of the disarmament conference than Germany. The results of its first five months of work have been a bitter disappointment to us. In spite of the League of Nations, the Locarno Pact and the Kellogg Pact, there is an attempt to evade the obligations to disarm. We cannot participate in further work of the conference until the question of equality has been settled in line with our ideas. We know that we are not alone in this battle. It is gratifying to set forth the understanding with which the chief of the government of a great nation friendly to us openly dealt with our point of view. Germany's communications to France were at the same time brought to the knowledge of all other powers. The cabinet naturally has as yet been unable to act on the French reply. Yet, I believe I must say even at this moment that the content of the memorandum is not capable of promoting solution of this serious problem. In the coming days, the cabinet will decide on the steps to be taken in dealing further with this vital question. In these days Germany is making a gigantic attempt to secure work and social contentment through mobilization of its last inner reserves. It gives us the right

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to except that now the leading statesmen of the big powers will, for their part resolve to put an end to poisoning of foreign-political relations through untenable agreements.....

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von PAPEN document No. 86

29 October. The Reich President receives Reich Chancellor von PAPEN and Prussia's Secretary of State, BRAUN

for discussion of the situation created by the verdict of the State Supreme Court (Staatsgerichtshof). In his introduction, the Reich President explains that the ruling by the State Supreme Court on the dispute between the Reich and Prussia relative to the ordinance of 20 July had been disposed of, and that he and the Reich government wholeheartedly supported the ruling. That it would be incumbent on both parties to make the loyal attempt to make possible a practical cooperation which, on the one hand, takes into considerati the acknowledged rights of the Prussian Minister of State while, on the other hand, it will safeguard the powers of the Reich commissioner and the need of a uniform Reich policy. Prime Minister BRAUN replies that the Prussian cabinet, of course, also endorses the judgment. He then sets forth his conception of the conclusions to be derived from the ruling. The rights acceded the Ministry of State would have to be restored. Authorities of the Reich Commissioner - if such would still be needed - should be confined to maintenance of tranquillity and order. Changes in personnel should be discontinued. Then deliberations could take place between the Reich government and the Prussian government relative to simplification and concentration of administrations in the Reich and in Prussia. Reich Chancellor von PAPEN first states that the German government never doubted the personal integrity of the Prussian Prime Minister and his official colleagues, and that its measures were caused by political considerations exclusively. He then outlines his conception of the situation and stresses that it would be impossible for the Reich Commissioner to be restricted to preservation of tranquillity and order, but that he would have to continue to hold the entire executive authority uniformly in his hand. From this then results at once the necessity for carrying through the reform considered necessary in the Prussian administration, thereby preparing for a subsequent and final solution of this question through the legislative bodies. Changes in personnel were undertaken for pertinent reasons only. The Reich Commissioner will make it possible for the Prussian state government to carry out the powers acceded to it, but not to tolerate infringment on authorities of the Reich Commissioner. The Prussian Prime Minister emphasizes that in that respect he upholds the point of view set forth earlier,

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particularly speaking against execution of administrative reform without agreement on the part of the Prussian state government. An agree ment on this not reached. In the course of the discussion the Reich President stresses that in the interest of the restablishment of sound conditions it would furthermore be necessary to re governmental powers of the Reich and Prussia in one hand and to direct Prussia's policy and the Reich policy along uniform channels. Finally, he expresses the hope that an understanding may come about concerning execution of rights which, in the light of the ruling of the State Supreme Court, were accorded to the Prussian state government. It is agreed that on this point further contact must be maintained between the Prussian state government and the Reich Commissioner.

Filed June 17, 1946

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Von PAPEN document No. 87

Declaration in lieu of oath of

DR. ALFRED HUGENBERG.

ROHRBRAKEN, 25 May 1946

I make the following declaration in lieu of oath. I know that the making of a false declaration in lieu of oath is punishable and that the following declarations will be submitted to the International Military Tribunal at NUERNBERG.

In November 1932, after the National Socialist Party had lost 35 seats and was financially in great difficulties, I influenced Herr von PAPEN not to resign his office, but to remain Chancellor of the Reich and to dissolve his Cabinet immediately after the Reichstag elections, which were directed against it. I was of the opinion, that this would cause a further weakening of the National Socialists and that in this manner a basis could be established on which a collaboration with the National Socialists would be possible. This was preceded by the unfortunate meeting at HARZBURG. The fact that on the eve of HARZBURG, HINDENBURG had for the first time received HITLER, resulted in the developmetn of a strong opposition between the German Nationalist Party and the Nationalsocialists instead of the intend coalition. My impression is, that in these days, in place of my idea of a coalition on absolutely equal terms, HITLER conceived the idea of a totalitarian government by his party which according to my impression was not shared by STRASSER and FRICK, but which was supported and strengthened by others. The result of the contrast thus created was, that in point of fact conferences with the purpose of forming a cabinet did not take place between the two parties until shortly before 30 January. But a conference between HITLER and myself took place probably in November or December. It dealt with various other questions, pending at that time. On this occasion HITLER spoke also of the possibility of the formation of a Coalition government, without the question then coming to a head.

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In connection therewith I told him that the question of my participation in the formation of a new Government could possibly be only on the basis, that all economic ministries should be amalgamated, and thus entrusted to me; to that I could be in a position to exert a very decisive influence on the economic policy of the Cabinet. The other principles of such a Government formation were not discussed. This assertion was reverted to when towards the end of January, suddenly and surprisingly emerged the project for a Cabinet as formed on 30 January. I did not participate in the negotiations preliminary to the formation of this Cabinet, and only afterwards was I informed of important details of the proceedings. Until the last moment I was very doubtful whether I should enter the Cabinet, as is confirmed by GOERING's statement. Finally I declared my willingness to do so, considering that of its 11 Ministers only 3, i.e. HITLER, GOERING and FRICK, were National Socialists, and from all sides convincing statements were made to the effect that it neither would be nor should be the question of a National Socialist Party Cabinet, and that this was guaranteed by the Reich President. However I was informed by third parties, that the formation of a Cabinet was discussed between the Center Party and the National Socialists, and that various other negotiations were pending, I had been given no confidential information by the interested parties during all the months previous to the formation of the Cabinet on 30 January.
At that very time it was my impression and that of my nearest circles that this affairs had been very suddenly improvised. Only afterwards did I learn of some previous negotiations, as for instance has also been mentioned by GOERING.

signed: Alfred HUGENBERG

No 240 year 1946 of the register of documents.

I herewith certify the above signature of GEHEIMRAT DR.ALFRED HUGENBERG, GUT ROHBRAKEN, GEMEINDE KUEKENBRUCH (LIPPE), executed in my presence.

GUT ROHBRAKEN, 25 May 1946

Seal signed: RIESSELBACH

Notary public.

Filed June 17, 1946

(Page 196
of orig.)

Von PAPEN Document
No. 88

Declaration in lieu of oath by Mr. Dr. ALFRED HUGENBERG

Rohbraken, 25 May 1946

I make the following declaration in lieu of oath. I am aware that the making of a false declaration in lieu of oath is a penal offence and that the following declarations will be submitted to the International Military Tribunal at NUERNBERG.

During the first months of the HITLER-cabinet in 1933, of which I was a member, regular Cabinet meetings took place. At these meetings the questions of the agenda were discussed according to the rules suchas are usual in political bodies, i.e. with free discussion. With the exception of HITLER, GOERING and FRICK the Cabinet was composed only of Non-National-Socialists. During this first period the National Socialists endeavoured to avoid the impression, that they would rate in the Cabinet and would try to make the majority of the Cabinet their tools.

Previous to the elections of 5 March 1933 differences of opinion in the Cabinet were avoided; apart from the fact, that these elections, contrary to my wishes and to my interpretation were in spite of all previous agreements brought about by the production of accomplished facts, the result of conferences with the Reich President.

After the elections, which, by the way, had not furnished a National Socialist majority, efforts were made to avoid direct disagreement in the Cabinet. But in the country "spontaneous actions" were started by the Party. Whenever something was to be done against the conception of the non-National Socialist Ministers, methods were often employed in order to produce a fait accompli outside the Cabinet. This naturally led to arguments in the Cabinet, where besides myself a number of Ministers opposed such action, which in general was thereupon formally disavowed.

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Von PAPEN Document No. 88

This happened particulary in the case of the occupation of the trade union houses, an act, of which I as Minister for Economy had not known previously, and of which I was notified afterwards, on the very morning of its execution, which was strongly criticized by me and other members of the Cabinet. It was the same in the case of the anti-Jewish excesses, of which naturally there had been no previous question in the Cabinet and which were met by strong criticism on the part of the non-National-Socialist Ministers.

I myself have adhered in every case to the previously established arrangement, that the authoritative influence in economic matters was to come from me. The result for instance in the negative sense was that an absurd procedure concerning department - stores which was proposed by the National-Socialist side was suppressed by me, whilst on the other side in the positive sense, with regard to Customs and commercial treaties, which meant the reestablishment of destroyed economy, everything was accomplished exactly according to the program, on which I had taken over my office. This led to many clashes with National-Socialist organizations, which at this time still remained outside the Cabinet; and Hitler decided after various arguments against the organizations and for my view-point.

In the same way, for example, in the domain of jurisprudence Minister GUERTNER held to the idea of a constitutional state against attacks of one kind or another by the National-Socialists, which occasionally caused very pointed discussions in the Cabinet. The Minister of Finance also, Count SCHWERIN-KROSIGK represented a policy which was reasonable and based on legality; I might say a conservative policy. With him and with one or another of the Cabinet-members I had repeated discussions to the effect that the Cabinet should be prevented from sliding into the channel of National-Socialist poli in which I agreed entirely, with other Ministers, such as PAPEN, ELTZ-RUEBENACH and NEURATH.

signed: HUGENBERG.

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Von PAPEN Document No.88

No. 239 year 1946 of register of documents.

I herewith certify that the above signature of GEHEIMRAT DR. ALFRED HUGENBERG, Gut Rohbraken, Gemeinde Kuckenbruch (Lippe) has been signed in my presence.

Gut Rohbraken, 25 May 1946.

Signed: RIESSELBACH

Notary public.

Entered June 18

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Von PAPEN Document No. 89

Declaration of Friedrich Karl Count von PFEIL.

(Letter of Friedrich Karl Count von PFEIL, House Helios, Bad Ischl, Upper-Austria to Franz von PAPEN jr., Nuernberg, Peyerstrasse 35 dated May 19,1946.

Friedrich Karl Count von PFEIL
Bad Ischl
Haus Helios
Upper Austria.

Bad Ischl, May 19th, 1946.

Dear Franzi,

I am sorry I have not yet succeeded in seeing you again. Meanwhile I have been informed through Hilde about your fate and know you were finally enabled to defend your father, and that lost not least you have "apparently" found your life's happiness. To the latter event I would wish to send you my heartiest congratulations. I am convinced, that after waiting and deliberating so long you have finally chosen the rightly, so that all my present wishes are for your father's future. That was also the real reason of my endeavor to meet you. By reason of my intimate relations with Colonel Count STAUFFENBERG and some other fellow conspirators in the revolt of July 20th, 1944, I know that your father was mentioned again and again. Even the former Ambassador von HASSELL was finally considered for German Foreign Minister, Count STAUFFENBERG, in the late fall of 1943, declared in the presence of his orderly officer, First Lieutenant von HAEFTEN in a conversation concerning the future German Foreign Policy, especially concerning the initiation of talks with the Enemy Powers, that for this purpose no doubt the only person to be considered is Ambassador von PAPEN, as there is no uncertainty regarding his anti-national Socialist attitude and his diplomatic abilities

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Von PAPEN Document 89

I purposely did not mention this conversation when I paid you a visit in fall 1944 at Mallerfangen, as it was still too dangerous at that time, and as I did not wish to frighten your father with my knowledge regarding the part he played on the 20th of July, as I was aware how afraid he was still of being taken away/day by the Gestapo. From the conversation which I was able to have with him I realized, that he was in the secret of the intentions of the revolt, and it was fully confirmed when you explained to me on my last visit, that Count SCHELLDORF, former President of Police in Berlin spoke to your father openly regarding the plan for the attempt on HITLER's life, and also proposed to him that he should/the German Foreign Ministry after the overthrow of the National Socialist regime. I regret I cannot do more for your respected father, but I am quite prepared to give written or oral evidence under oath concerning everything I know.

I, personally, am going on well, I am still in the beautiful Salzkammergut, where I am busy with the care of my wounded right arm. Life including food is quite pleasant. Otherwise I employ my free time in perfecting my education to some extent,a task I am accomplishing with special passion after a ten years' spiritual banishment in the Army. I often met Laja HOHENLOHE, though I am sorry she made use of my four weeks' absence, to get engaged to a Count ELTZ. I shall stay here still until fall and then leave my further life to fate. I hope we shall meet again in not too far distant a time, or that I shall at least hear from you.

With best regards and many recommendations and the very best wishes for your dear father I am for ever

Yours faithfully,

(signed) Friedrich Karl PFEIL.

Filed June 18

Von PAPEN Document No. 90

Declaration in lieu of oath

of Count Gottfried von BISMARCK - SCHOENHAUSEN.

I make the following declaration in lieu of oath.

I know that a false declaration in lieu of oath is punishable and that this declaration will be submitted to the International Military Tribunal in Nuremberg.

On November 23th, 1943, I lunched with the then President of Police of Berlin, Count HELLDORF and Herr von PAPEN in a Berlin restaurant. Count HELLDORF and I had heard, that Herr von PAPEN was in Berlin. We wished for information concerning the opinion of the neutral foreign countries regarding the military situation and the prospects of peace.

After Herr von PAPEN had told us about the visit he had just paid to the Fuehrer's Headquarters, we discussed the possibility of a change of government in Germany and the prospect of the conclusion of peace. Herr von PAPEN did not judge the situation after a possible change of Government unfavorably, and placed himself fully at our disposal in such an event.

If he himself could not be reached, we could send him news at any time through Herr von TROTT at the Foreign Office.

Reinbeck, May 29th, 1946.

(signed) Graf Gottfried von BISMARCK-SCHOENHAUS

The above signature of Count Gottfried von BISMARCK-SCHOENHAUSEN, now at Schoenau, executed in my presence, is certified herewith.

Reinbeck, May 29th, 1946.

(signed) ALBRECHT

(Justizinspektor) Chief Inspector of Justice

in charge
as officer of documents
(Urkundenbeamter) of the Office of the Lower Court
(Amtsgericht)

(Stamp)
380 S.B.

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Filed June 17, 1946

(Page 202 of orig.)

VON PAPEN Document 91
(from; 2962 PS - USA Exh. 578)

of a Record Conference of Ministers

of 15 March 1933, 6.30 p.m.

in the Reich Chancellery.

Present:

Reich Chancellor	HITLER
The Deputy of the Reich Chancellor and Reich Commissioner for the State of Prussia	Von PAPEN
Reich Minister for Foreign Affairs	Baron Von NEURATH
Reich Minister of Interior	Dr. FRICK
Reich Minister of Finance	Count SCHWERIN Von KROSIGK
Reich Minister for Econory and Reich Minister for Food and Agriculture	Dr. HUGENBERG
Reich Minister of Labor	SELDTE
For the Reich Minister of Justice	Dr. GUERTNER: State Secretary Dr. SCHLE-GELBERGER
Reich Minister of Defense	Von BLOMBERG
Reich Minister of Postal System and Reich Minister of Communications	Baron Von ELTZ-RUEBENACH
Reich Minister for Public Enlightenment and Propaganda	Dr. GOEBBELS
Reich Minister without Portfolio Reich Commissioner for Aviation	GOERING
Reich Commissioner, Reich Minister (retired)	Dr. POPITZ
Reich Minister for Employment	Dr. GEREKE
State Secretary in the Reich Chancellery	Dr. LAMMERS
State Secretary in the Office of the Reich President	Dr. MEISSNER
Reich Press Chief, State Secretary	FUNK

.....

Subjectsfor Discussion:

1. Political Situation.

.....

1. Political Situation.

The Reich Chancellor opened the session.....

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VON PAPEN Document 91

In his opinion there would be no difficulties in getting the Enabling Act (Ermaechtigungsgesetz) through the Reichstag with a two-third majority. .....

The Reich Minister of the Interior reports.....

The Enabling Act would have to be framed so broadly that every provision of the Reich constitution could be circumvented. There would have to be a time limit of four years for the time being. He, the Reich Minister of the Interior, has in mind something like the following text for the law;

"The Reich Cabinet is empowered to take such measures as it deems necessary in view of the dire needs of people and state. In doing so, the provisions of the Reich Constitution may be waived."

It is still to be considered whether it would be practical to make an addition to the contents according to which the validity of the Enabling Act would depend on the present composition of the Reich Cabinet. .....

The Reich Minister for Economy and Reich Minister for Food and Agriculture brought up the question whether the participation of the Reich President in the laws which will be issued pursuant to the Enabling Act by the Reich Cabinet, was contemplated.

State Secretary Dr. MEISSNER replied that the participation of the Reich President is not necessary. Also, the Reich President will not demand participation. Yet, it might perhaps be practical if the authority of the Reich President would be brought into play in the case of some laws of special importance. .....

Filed June 19, 1946

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Von PAPEN, Document 92

Excerpt

from

L'EUROPE NOUVELLE
13th year No. 630
March 8th 1930
Publisher: L. Weiss

Page 403.

The Franco - German Catholic Discussions in Berlin.

On Friday the 20th. and Saturday the 21st. of December 1929 a series of meetings was held in Berlin between French and German Catholics. We are publishing below the essential documents which refer to them.

First comes the list of participants on the French side and on the German side (Doc.I), then the opening speech of Mr. JOOS, vice-president of the Center Party, president of the German delegation (Doc.II).

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. . . . .

The Center Party and the Bavarian People's Party had nominated in particular Messrs. Emminger, former Minister of Justice of the Reich; Pertititius, vice-president, and Joos member of the parliamentary group of the Center; Mrs. Helen Weger; the intellectual circles; Mr. Haas, director of the School of Higher Political Studies in Berlin; Professor Platz of Bonn University; the major press: Mr. Von PAPEN, for "GERMANIA"; Consul Stocky for the Koelnische Volkszeitung; diplomatic circles: Count Von Oberndorf and Count Henkel Von Donnersmark.....

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.....

To sum up, the organizers of the trip to Berlin could not congradulate themselves enough on the results of the "discussions" which - by unanimous agreement - will continue during the months to come.

Mr. Deputy Joos, president of the German delegation, summed up his impression in the following terms, in the review "Abendland":

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Von PAPEN Document 92.

"The Berlin discussions were rich in moments of high significance. We have heard remarkable interventious and had a glimpse into vast prespectives. They went beyond what one had a right to expect. The Conference has furnished proof of the value of confidence. And when the French Colonel Picot, whose badly scarred face bore the living mark of horrors resulting from war, had launched his appeal to the world against war, and when, - as an old professional soldier and officer who has done his duty towards his country and his people - he extended his hand to a German, likewise an old soldier and officer, then at this moment this conference of Catholics soared to lofty, superhuman spheres of greatness and tragedy. The members of the Conference stood up at one spontaneous bound, for they felt in their nerves and in their minds that the world had not yet avoided all the abysses, and that, today as well as tomorrow, humanity had to fear the treacherous assalts of demoniacal forces."

On both sides we therefore remain convinced that, by preparing these meetings between Frenchmen and Germans who are deeply attached to their countries, we have done our best to respond to the cravings of our spiritual convictions and to the sanely concieved interest of both our countries and the peace of Europe.

A. BOISSARD
former deputy.

Filed June 17, 1946

von PAPEN Document No. 93

Questionnaire of Baron von LERSNER

Kurt Baron von LERSNER
former President of the German
Peace-Delegation of Versailles

Kirschir, 15 April 1946
Inner-Anatolia

Very urgent!

To the General Secretary of the
International Military Court at
NUERNBERG (Germany)

Sir,

You did forward to me through the Turkish Government the questions which the defense counsel of the former Ambassador von PAPEN asked from myself under the date of 2 February 1946. As these questions arrived here only today - after 2½ months - I am sending to you my official answers, which I deposed today under oath in presence of the Vali-Governor of Kirsehir, as representative of the Turkish Government, and beg you to hand them over to Dr. KUBUSCHOK, defense counsel of Ambassador von PAPEN.

Kurt Baron von LERSNER.

The questions of Dr. KUBUSCHOK, defense counsel of the defendant von PAPEN of 2 February 1946 were handed over to me today.

I answer them under oath as follows:

To question 1.: Yes.- For Turkey I must limit myself to stating that Ambassador von PAPEN for the most part had his official residence in Ankara, while I resided at Istanbul, but was in constant contact with him.

To question 2a: Yes. -

To question 2b: I did not receive any information about the course and subject of the discussion with HITLER from Mr. von PAPEN and von SCHROEDER, the gentlemen participating in the discussion. It became known through the press

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that Reich Chancellor (Retired) von PAPEN at the time had a detailed conversation with von Schleicher who was then Reich Chancellor.-

To question 2c: I remember that Reich Chancellor (Retired) von Papen at one time informed me in that sense.-

To question 2d: Yes. -
Paragraph 2

To question 2e: Yes.- That this objective was especially close to Mr. von Papen can only be emphasized by me from my frank discussions with him.

To question 2f: Yes.-

To question 2g: Yes.-

To question 2h: Yes.-

To question 3a: Yes.- I personally reached an agreement on the Saar question at Geneva in June 1934 with Barthou the French Minister for Foreign Affairs.

To question 3b: Mr. von Papen at one time informed me in this sense.-

To question 4a: Yes.-

To question 4b and 4c: It is unknown to me since I came to Turkey only in November 1939

To question 5: Mr. von Papen at one time informed me in that sense.-

To question 6: Yes. -

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Von PAPEN DOCUMENT NO. 93

To question 7.: My activities for the mediation of peace negotiations were always based on my own initiative and extended to the attempt of the mediation of general world peace between all belligerent countries. Prior to all steps toward peace I engaged in detailed discussions with Ambassador von PAPEN and was always supported by him to the utmost extent with Verve, although every peace-step was forbidden to him and was at least just as perilous to him as to myself.

He also brought me together with a number of foreigners, above all with the Apostolic Delegate to Istanbul, Archbishop RONCALLI.

When in 1942 I resolved to travel to the Vatican, Ambassador von PAPEN not only urgently advised me to make the journey but also personally procured all the necessary papers and passports for me to Rome, where in spite of the special, express prohibition of the Reich government I suggested a world-peace drive of Pope Pius XII, with all belligerent powers, to Cardinal MAGLIONE, and the diplomatic director of the Curia, bishop MONTINI.

When in April 1944 the opportunity presented itself to me to establish contact with George EARL, former American Ambassador to Vienna and Sofia, the friend of President Roosevelt with whom I had already been personally acquainted for a long time, PAPEN again helped me in every possible way. He even took it upon himself, when my peace-feelers with Ambassador EARL seemed to promise success, to take a positive attitude in these world-peace feelers in personal discussions with Hitler and von Ribbentrop in Germany in spite of the danger connected there with. However, it was in vain! As the result of further

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negotiations with ambassador EARL PAPEN repeated this dangerous attempt in July 1944 by telegraph and once more in person in the second third of August 1944. -

To question 8, 9a and 9b. While I can testify without reservation, that Ambassador von PAPEN in Turkey was engaged in a constant inner struggle with the NSDAP, because of my absence from Ankara I can answer in the affirmative the question in the form submitted to me concerning the course of his struggle with Landesleiter FRIEDE only from numerous communications and reports, from the Ambassador himself, or from members of the Embassy or from circles of the German colony at Istanbul.

To question 9c: Yes. -

(Written by my own hand)

s/ Kurt Baron von LERSNER,

former President of the German Peace-Delegation to Versailles.

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von PAPEN DOCUMENT NO 93

(Compilation)

Question and Answers of the Questionnaire

Kurt Freiherr von LEPSNER.

Question 1.) Is it correct that you have been acquainted with the defendant, Ambassador von PAPEN, retired, for over 30 years, that you were his official representative with the state of Bavaria during the latter's term of chancellor, that you were on several occasions active for him in Geneva in his capacity as Reich Commissioner for the Saar territory, and that you have been in closest contact with the Embassy in Turkey as President of the Oriental Society, and that, therefore you will be able to pass competent judgment as to his character, his ideology and his whole political conception?

Answer: Yes. - For Turkey I must limit myself to stating that Ambassador von PAPEN had his official residence for the most part in Ankara, while I resided at Istanbul, but was constantly in contact with him.

Question 2.) Do you know that

a) the defendant von PAPEN did everything in his power as chancellor in 1932 to lead the Nazi movement from the opposition to responsible cooperation with the government, but that he refused to suggest to the Reich President that HITLER be placed at the head of a new government?

Answer: Yes. -

Question 2 b) the conversation of the defendant von PAPEN with HITLER on 4 January 1933 at the house of the banker SCHROEDER, who is well-known to you also, took place on the initiative of HITLER and in continuation of his (PAPEN's) efforts during the time of his chancellorship, and that in this discussion nothing else was ever mentioned but the incorporation of the Nazi party into the Schleicher government, and that the establishment

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of a HITLER-government (as it occurred on 30 January) with the cooperation of the defendant von PAPEN was never mentioned, and that the defendant von PAPEN informed Reich-Chancellor von SCHLEICHER immediately after the discussion of its contents?

Answer: I did not receive any information about the course and subject of the discussion with HITLER from Mr. von PAPEN and von SCHROEDER, the gentlemen participating in the discussion. It became known through the press that Reich Chancellor (Retired) von PAPEN at the time had a detailed conversation with von SCHLEICHER who was Reich Chancellor then. -

Question 2 c) during the time between 4 January 1933 and the day, on which Reich President von HINDENBURG requested the defendant von PAPEN to form a new government under the leadership of HITLER, no steps of any kind were taken on the part of the defendant von PAPEN - neither with the Reich President, nor with HITLER and his coworkers, nor with the subsequent partners of the HITLER government - to prepare for the development of such a government?

Answer: I remember that Reich Chancellor (Retired) von PAPEN at one time informed me in that sense. -

Question 2 1st Paragraph d) the Reich President von HINDENBURG of his own initiative gave the defendant von PAPEN the mission of forming a government with HITLER as Reich Chancellor, after SCHLEICHER's efforts to incorporate part of the Nazi party into the government for the purpose of forming a Reichstag majority had failed?

Answer: Mr. von PAPEN at one time informed me in that sense.

2nd Paragraph: the defendant von PAPEN pursued the aim with this new combination of conservative forces and the Nazi party now forced to accept responsibility, to initiate a renewal of the policy in the conservative spirit represented by von HINDENBURG?

Answer: Yes. -

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v. PAPEN DOCUMENT NO. 93
(Compilation)

Question 2 e) for this purpose the defendant v. PAPEN suggested a combination of the bourgeois conservative parties (Rechtsparteien) into a new party incorporating all conservative forces in the country which could act as a possible strong counter-balance in the marriage with National-Socialism?

Answer: Yes. - That this objective was especially close to Mr. von PAPEN can only be emphasized by me from my frank discussions with him.

Question 2 f) this transformation and creation of an internal counter-balance failed, because up to the Reichstag-election there was too little time left for reorganization and nomination of newer, younger candidates?

Answer: Yes. -

Question 2 g) therefore the defendant v. PAPEN decreed the formation of a conservative election-block (Wahlblock) "black-white-red", for which he made a number of speeches in which he announced the program of "National Concentration"?

Answer: Yes. -

Question 2 h) the defendant v. PAPEN, through the impregnation of conservative ideas, continued to hope to change HITLER's policy to his own way of thinking, until the murders taking place on 30 June 1934 and HITLER's approval of them had convinced him that his efforts and his hopes had been in vain?

Answer: Yes. -

Question 3 a) Did the defendant v. PAPEN as Saar-plenipotentiary give you implicit instructions for your activity at Geneva, that you were to arrange all questions pertaining to the Saar plebiscite with the fullest agreement of the competent bodies of the League of Nations?

Answer: Yes. - I then personally reached an agreement on the Saar question at Geneva in June 1934 with BARTHOU the French Minister for Foreign Affairs.

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(Compilation)

Question 3 b) Is it not true that the defendant v. PAPEN attempted to come to terms with the French government with respect to an immediate agreement to regulate the Saar problem without a plebiscite in order that the agitation to be expected from a plebiscite would not spoil the relations between Germany and France?

Answer: Mr. von PAPEN at one time informed me in that sense.

Question 4. Are you aware that

a) the defendant v. PAPEN only accepted the assignment as Ambassador to Turkey, which he had twice refused in 1938, being impressed by the Italian advance in Albania, because he hoped to contribute something decisive for the maintenance of world peace?

Answer: Yes. -

Question 4 b) in May 1939 he attempted to persuade CIANO the Italian Minister for Foreign Affairs to revise Italian intentions in Albania, in order thereby to remove the tension in South-Eastern Europe?

Question 4 c) in May 1939 he presented a memorandum to the Foreign Office, HITLER and the highest military authorities, pointing out that any war, which Germany for any reason felt herself justified to wage, would have to be considered lost from the very beginning, because Turkey had joined the coalition of the opponents, thereby making England's position in the Near East unassailable?

Answer: It is unknown to me since I came to Turkey only in November 1939.
to b and c

Question 5. Are you aware that the defendant v. PAPEN, in the fall of 1933, personally expressed himself sharply before the Cabinet and HITLER, with regard to withdrawal from the League of Nations, that he in fact followed HITLER to Munich in order to persuade him to give up this intention?

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(Translation)

Answer: Mr. von Papen at one time informed me [illegible] that sense.

Question 6) Are you also aware that from 1933-45 the defendant v. PAPEN, in his capacity as President of the Union-Club was frequently attacked by the Party (also by the "Stuermer" in the year 1937) for his stubborn refusal to exclude "non-Aryans" or not wholly "Aryan" members from the club, and that he maintained this standpoint to the end? (The Union-Club is an organization founded 70 years ago for horse-breeders and horse races, which for 50 years was the highest state authority for racing matters.)

Answer: Yes. -

Question 7) Is it a fact that the defendant v. PAPEN, in spite of definite orders from Berlin to avoid any peace-talk ordered you to bring about close contact with U.S. Naval Attache EARLE at Istanbul, who formerly was USA Minister at Sofia and was regarded as a confident of President ROOSEVELT, in order to ascertain if and under what conditions Germany could obtain peace?

Answer: My activities for the mediation of peace negotiations were always based on my own initiative and extended to the attempt of the mediation of general world peace between all belligerent countries. Prior to all steps toward peace I engaged in detailed discussions with Ambassador von PAPEN and was always supported by him to the utmost extent with verve although every peace-step was forbidden to him and was at least just as perilous to his life as to myself. He also brought me together with a number of foreigners, above all with the Apostolic Delegate to Istanbul, Archbishop RONCALLI.

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Von PAPEN Document 93
(Compilation)

When in 1942 I resolved to travel to the Vatican, Ambassador von PAPEN not only urgently advised me to make the journey but also personally procured all the necessary papers and passports for me to Rome, where in spite of the special, express prohibition of the Reich government I suggested a world-peace drive of Pope Pius XII. with all belligerent powers, to Cardinal MAGLIONE, and the diplomatic director of the Curia, Bishop MONTINI.

When in April 1944 the opportunity presented itself to me to establish contact with George EARL, former Ambassador to Vienna and Sofia, the friend of President ROOSEVELT with whom I had already been personally acquainted for a long time, PAPEN again helped me in every possible way. He even took it upon himself, when my peace-feelers with Ambassador EARL seemed to promise success, to take a positive attitude in these world-peace feelers in personal discussions with HITLER and von RIBBENTROP in Germany in spite of the danger connected therewith. However, it was in vain! As the result of further negotiations with Ambassador EARL, PAPEN repeated this dangerous attempt in July 1944 by telegraphing and once more in person in the second third of August 1944.-

Question 8.) Are you aware that the defendant von PAPEN, during his assignment in Turkey, was continuously in conflict with the NSDAP, so that he finally forbade Landesleiter of the Party, FRIEDE, to enter the German Embassy and forbade the officials of the Embassy all association with FRIEDE, because this Landesleiter had remarked: "Ambassador von PAPEN should have been shot long ago or at least should be in concentration camp"?

Question 9.) Are you aware that

a) this remark by FRIEDE was the result of the energetic attitude of the Ambassador who had prohibited all subversive activity of the party?

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Question 9.) b) now the Reich Foreign Ministry upon the request of Gauleiter BOHLE Foreign Organization attempted to get the Ambassador to withdrew his orders against FRIEDE at once, and that the defendant von PAPEN replied he would request his departure, insofar as the Reich Foreign Ministry insisted upon these demands?

Answer: To 8,9a, and 9b. While I can testify without reservation that Ambassador von PAPEN was engaged in a constant inner struggle with the NSDAP in Turkey, because of my absence from Ankara I can only answer in the affirmative the question in the form submitted to me concerning the course of his struggle with Landesleiter FRIEDE, only from numerous communications and reports from the Ambassador himself, or from members of the Embassy or from circles of the German colony at Istanbul.

Question 9.) c) That the Ambassador only after a year's tough struggle against the Party succeeded in having Landesleiter FRIEDE recalled?

Answer: Yes.-

(Written by my own hand.)

s/ Kurt Baron von LERSNER,

former President of the German Peace-Delegation to Versailles.

H0686 – 0038

Filed June 18

Von PAPEN Document No. 94

Letter of Kurt Baron von LERSNER

to MR. KIRKPATRICK.

Kurt Baron von LERSNER
formerly President of the German
Peace Delegation in Versailles.

Corun, 7 June 1945
Ve Dutlar Caddessi: 24

Copy

Dear Mr. Kirkpatrick!

When you were with me in Nieder - Erlenbach in 1938 after Godesberg and Munich you told me I should let you know, if I had any requests.

I see from the Turkish papers that the allies are prosecuting my old friend, Ambassador von PAPEN as a war criminal, no one knows PAPEN as well as I. I consider it my duty therefore to give you my deposition about PAPEN:

As you know I constantly tried to bring about reconciliation and peace among the peoples within the country and abroad soon after Versailles when as a dismissed diplomat, I was on the extradition list of the allies. Thus as early as September 1939 I offered the Reich government initiate peace negotiations with England and France. This was categorically refused. But I did not give up my peace plans and turned to PAPEN who came from Ankara to Berlin in October 1939. He endeavored to get me to Turkey. Ribbentrop however wished to have his brother-in-law Jenke in the Embassy at Ankara. Thus PAPEN arranged through the Wehrmacht for me to come to Istanbul with my wife in November 1939 as an independent private man, where I stayed until our deportation in September 1944. I was with PAPEN a great deal during these years, and often stayed with him at Ankara for weeks.

I tried incessantly to convince the Hitler government of the necessity of an early world peace. Our Wehrmacht from the beginning supported my efforts for peace, for which PAPEN on his part gave me every assistance. He often reported

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about it to RIBBENTROP and HITLER in writing and verbally, but unfortunately without success. He also personally sent a peace letter written together with me to the King of Sweden, which I gave to the Swedish Ambassador in Ankara years ago. Meanwhile I prepared a whole net for the mediation of world peace, always with the energetic support of PAPEN. This work was already dangerous for me as a private man, but the more so for the active, always spied on Ambassador PAPEN. All peace efforts were subject to the death penalty on the part of the Nazis and the Gestapo. PAPEN was not frightened off and helped wherever he could. He smoothed the way for me to travel to the Vatican in 1942, where I put forward mediation for world peace to Cardinal Secretary of State MAGLIONE and Bishop MONTINI notwithstanding the prohibition by the Reich Government. In addition to the present Nuncio at Paris, Archbishop RONCALLI, with whom I spoke about the necessity for world peace for years in Istanbul, several neutrals helped me at the instigation of PAPEN. With the help of PAPEN I saw Admiral HORTHY the Regent of Hungary, King BORIS of Bulgaria both of whom were immediately in favor of world peace and were ready for anything, but had to wait for HITLER. Through PAPEN I came in touch with a neutral who brought me an American who was about to go to see ROOSEVELT. ROOSEVELT whom I know from my diplomatic service in Washington 1913/14, assured me that as soon as I would inform him about a German offer, he would immediately confer personally with his allies. PAPEN previously had seen RIBBENTROP and HITLER, who however refused. He again reported to me in writing and verbally after ROOSEVELT's reply, although he risked his head each time. Again without success. Although PAPEN could not show me his official reports, I know nevertheless how he has worked against war and for peace since 1933. The peace pact of Germany with Turkey well know to you was also PAPEN's own work, which he carried through with his superiors with the greatest effort. In his position as diplomat which was constantly being threatened by leading Nazis PAPEN's policy required great courage and determination to work with all his strength for world peace.

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About PAPEN's act, which had the most far reaching consequences, - his help in making HITLER Reich Chancellors, - I the anti-nazi attitude of whom is known to you, must report:

By the end of 1932 it was clear to most of the foreign diplomats and internal politicians that SCHLEICHER failed as Reich Chancellor and it was only a question of weeks until HITLER would usurp power by force of arms, PAPEN wanted to prevent bloodshed and direct HITLER onto peaceful political paths. That is why he interceded before HINDENBURG in January 1933 for HITLER's nomination as Reich Chancellor. He believed that as Vice-Chancellor and Prussian Prime Minister he would be able, together with people like NEURATH, SCHWERIN-KROSIGK, ELTZ, SCHACHT, FRITSCH, but more particularly with the iron-headed HUGENBERG, who directed five Ministers, to get HITLER down. But unfortunately to the detriment of the whole world HITLER soon developed as the iron one who battered the others. PAPEN was removed as Prussian Minister, was made innocuous as Vice-Chancellor and restricted chiefly to the Saar question, when I visited him on 30 June 1934 he barely escaped being shot, was imprisoned and dismissed by HITLER.

After the murder of DOLLFUSS, HITLER found no diplomat for Vienna and turned to PAPEN, who informed me thereto: "When the National Socialists telephoned to in the middle of the night that I must fly immediately to HITLER I replied to them by telephone: Whoever comes to me without proof of identity I will shoot down immediately".- In this atmosphere he was obliged to accept the appointment in Vienna. How PAPEN worked in matter of union is best revealed by the fact that his private secretary Baron KETTELER was shot by the Nazis on the day of union and PAPEN was dismissed by HITLER as incompetent.

This is what I can briefly say about PAPEN's conduct, to the best of my knowledge and conscience.

I should be thankful to you if you would report officially about this to the Allied Judges

and remain as always

yours very truly

(signed) Baron von LERSNER.

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of Orig.)

Filed June 18

von PAPEN Document 95

Interrogatory

of Dr. ALFRED MARCHIONINI

Professor of the State Model Hospital

in Ankara, Turkey.

Republic of Turkey)
City of Ankara) ss:
Embassy of the United State of America)

Deposition of Professor Dr.Alfred MARCHIONINI, Professor of the State Model Hospital in Ankara, Turkey, taken before me, Warwick PERKINS, First Secretary of the Embassy of the United States of America at Ankara, Turkey, in compliance with a request transmitted through W.L. MITCHELL, Brigadier General of the United State Army, General Secretary of the International Military Tribunal at Nuernberg, Germany, on behalf of Dr.Egon KUBUSCHOK, counsel for the defendant, Franz von PAPEN, now on trial before the International Military Tribunal.

Alfred MARCHIONINI, of lawful age, being by me first duly sworn, deposes and says:

To the first interrogatory, he says:

Yes.

To the second interrogatory, he says:

Yes.

To the third interrogatory, he says:

Yes. On this subject I can further say the following: I was myself since 1939 in friendly relationship to Dr. GOERDELER who visited me that year and won me over to his plans: every German patriot, he said, must do everything in his power to undermine the HITLER regime in his own particular sphere and, in this manner, prepare its ultimate downfall. I have therefore, as the years went on, repeatedly made propositions to von PAPEN for the removal of the HITLER regime; he has always lent a favorable ear to my suggestions and we even discussed in detail questions on the practical operation of such an overthrow. The last conversation on this subject took place on the 2 August 1944 on the eve of his final departure from Ankara after

the breaking off of diplomatic relations between Germany and Turkey. To my advice not to leave Turkey, and to address an appeal from here to the German people and the German Army to overthrow HITLER and discontinue the senseless war, von PAPEN answered in substance as follows: "I have learned from History that dictatorships cannot be done away with from within a foreign country, one must be in the country itself in order to fight the regime effectively. I have therefore determined to return to Germany and there to conduct the fight against the HITLER regime and thereby hasten the end of the war".

To the fourth interrogatory, he says

Yes.

To the fifth interrogatory, subdivision a), he says

Yes. In this connection von PAPEN himself has consulted my colleague ECKSTEIN regarding the medical treatment of his daughter Marguerite and his two grandchildren and my colleague LAQUEUR, also a Jew regarding of his own treatment.

To the fifth interrogatory, subdivision b), he says:

Yes.

To the fifth interrogatory, subdivision c), he says:

Yes.

To the sixth interrogatory, he says:

These circumstances are only known to me by hearsay and I have no positive knowledge of them. I am, however, convinced that the statement is true to facts. My conviction rests upon a series of confirmatory experiences. In the course of the year, I repeatedly called on von PAPEN on behalf of my Jewish colleagues in Istanbul and Ankara to request his intervention for their deported relatives. In every case, von PAPEN complied with my request, as I gathered from the

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invariably negative answers of the Reich authorities, which von PAPEN had shown to me. In the case of the carrying through of the appointment of my colleague Professor KRAMZ who was relieved of his functions in Germany because of his Jewish wife, von PAPEN's action was however successful. The acceptance of his appointment to the chair of ancient philology at the University of Istanbul at first miscarried because the Reich authorities refused to let K. leave Germany.

It was only after the intervention of von PAPEN that the permission to leave Germany was granted and K. was able to move to Istanbul with his wife in Spring 1944.

I remember particularly clearly an incident in Spring 1944 when I called upon von PAPEN at the request of Herr BARLAS, the Refugees Commissione of the Jewish Agency, in order to request his assistance in saving 10,000 Jews in France from deportation to Poland for extermination. These Jews had formerly held Turkish nationality which they had later renounced. Herr von PAPEN complied with my wish, and through his intervention the lives of these Jews were saved. Detail of this incident with which Mr.STEINHARDT then United States Ambassador in Ankara and M. Numan MENEMENCIOGLU, then Foreign Minister of Turkey, were acquainted, can be obtained by questioning Herr BARLAS.

To the seventh interrogatory, he says:

I know nothing about such a direct instruction. What I do know is that Herr von PAPEN and all his family - despite the well-known attitude of the Nazis - ostentatiously made their purchases in Jewish shops in the Pera Street.

(Signed): Alfred MARCHIONINI

Signed and sworn to before me this Eighth day of April 1946.

(Signed): Warwick PERKINS

First Secretary of Embassy.

(Seal) Service No. 23. No fee prescribed.

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von PAPEN DOCUMENT 95

Dr. KUBUSCHOK,
Defense Counsel for the
Defendant von PAPEN
Nuernberg

Nuernberg, 12 January 194[illegible]

To the

General Secretary
International Military Tribunal

Nuernberg

Defendant von PAPEN refers to the testimony of Professor M.D.MARCHIONINI, of the State Model Hospital in Ankara for the following evidential questions.

In consideration of the fact that the witness lives in a distant country and that a prolonged absence from Ankara should be avoided on account of his profession, I request that the production of evidence be effected by the submission of a questionnaire.

The knowledge the witness has of the evidential matter results from his activity as family doctor of the defendant. His knowledge regarding the questions raised on the Jewish problem results in particular from the fact that witness's wife, daughter of the Professor of Medicine SOETBEER who was put to death in a concentration camp, is of mixed race according to the Nuernberg Laws.

I request that the following evidential questions be put to and answered by the witness:

1.) Did you in the course of 1939-44, during which time you were his personal and family doctor, come to know the defendant, the former Ambassador von PAPEN, sufficiently well as to be in a position to an objective judgment on his attitude regarding the war as well as regarding the eradication of the Jewish race in Europe propounded by Nazi propaganda?

2.) Is it correct that the defendant von PAPEN

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considered the provocation of war with Poland and the resulting World War not only as a great national calamity but also as a catastrophe for the Western civilized world?

3.) Has the defendant von PAPEN, in addresses to the German colony in Ankara and Istanbul, opposed a war of conquest and demanded an immediate termination of the war if European civilization was not to be annihilated? Has he pointed out that this solution could only be found on the basis of Christianity?

4.) Has the defendant von PAPEN always opposed the persecution of the Jewish community determined by the Nuernberg Acts and since brought into effect, as incompatible with the principles of the Church of Rome?

5.) Can you attest that the defendant von PAPEN has constantly proceeded in accordance with this notion in his official sphere of activity in Turkey and that he

a) took the part of members of his Embassy when Party proceedings were brought against them (because these gentlemen had called in a well-known Jewish physician - Prof. Dr. ECKSTEIN - to treat their children) and declared officially that he would himself have acted likewise?

b) refused to comply with the orders of higher authorities when these ordered that all Reich German Jews in Turkey should have their passports withdrawn and be declared to have forfeited their German nationality?

c) rather represented and actually <u>put into effect</u> in opposition to the Reich Cabinet the view that such "non Aryan" German citizens should not be deprived of their citizenship and should be left unmolested in their sphere of activity?

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6.) Are you aware that the defendant von PAPEN has, in several cases in which the Turkish government was requested by foreign governments (Rumanian, Bulgarian) to agree to the transportation of Jewish refugees to Palestine through Turkey, successfully intervened with the Turkish government to obtain this permission, thus relieving considerably the distress of the refugees?

7.) Are you aware that the defendant von PAPEN has prevented the NSDAP Headquarters in Turkey from issuing orders to the Reich Germans in Turkey to boycott Jewish firms in Turkey?

Yours faithfully

(Signed) Dr. KUBUSCHOK

H0686-0047

Von PAPEN Doc. 95
(compilation)

Questions and answers of the Marchionini interrogatory.

1.) Question: Did you, in the course of 1939-44, during which time you were his personal and family doctor, come to know the defendant, the former Ambassador von PAPEN, sufficiently well as to be in a position to deliver an objective judgment on his attitude regarding the war as well as regarding the eradication of the Jewish race in Europe propounded by Nazi propaganda?

Answer: Yes.

2.) Question: Is it correct that the defendant von PAPEN considered the provocation of war with Poland and the resulting WORLD WAR not only as a great national calamity but also as a catastrophe for the Western civilized world?

Answer: Yes.

3.) Question: Has the defendant von PAPEN, in addresses to the German colony in Ankara and Istanbul, opposed a war of conquest and demanded an immediate termination of the war if European civilization were not to be annihilated?. Has he pointed out that this solution could only be found on the basis of Christianity?

Answer: Yes. On this subject I can further say the following:
I was myself since 1939 in friendly relationship to Dr. GOERDELER who visited me that year and won me over to his plans: every German patriot, he said, must do everything in his power to undermine the HITLER regime in his own particular sphere and, in this manner, prepare its ultimate downfall. I have therefore, as the years went on, repeatedly made propositions to von PAPEN for the removal of the HITLER regime; he has always lent a favorable ear to my suggestions and we even discussed in detail questions on the practical operation of such an overthrow. The last conversation on this subject took place on the 2 August 194[illegible] on the eve of his final departure from Ankara after the breaking off of diplomatic relations between Germany and Turkey.

To my advice not to leave Turkey and to address and appeal from here to the German people and the German Army to overthrow HITLER and discontinue the senseless war, von PAPEN answered in substance as follows: "Ihave learned from History that dictatorships cannot be done away with from within a foreign country; one must be in the country itself in order to fight the regime effectively. I have therefore determined to return to Germany and there to conduct the fight against the HITLER regime and thereby hasten the end of the war."

.) Question: Has the defendant von PAPEN always opposed the persecution of the Jewish community determined by the Nuemberg Acts and since brought into effect, as incompatible with the principles of the Church of Rom.?

Answer: Yes.

.) Question: Can you attest that the defendant von PAPEN has constantly proceeded in accordance with this notion in his official sphere of activity in Turkey and that he

a) took the part of members of his Embassy when Party proceedings were brought against them (because these gentlemen had called in a well-known Jewish physician - Prof. Dr. ECKSTEIN - to treat their children), and declared officially that he would himself have acted likewise?

Answer: Yes. In this connection von PAPEN himself has consulted my colleague ECKSTEIN regarding the medical treatment of his daughter MARGUERITE and his two grandchildren, and my colleague LAQUEUR, also a Jew regarding his own treatment.

)b) Question: refused to comply with the orders of higher authorities when these ordered that all Reich German Jews in Turkey should have their passports withdrawn and be declared to have forfeited their German nationality?.

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Answer: Yes.

5.) Question: c) rather represented and actually put into effect in opposition to the Reich Cabinet the view that such "non Aryan" German citizens should not be deprived of their citizenship and should be left unmolested in their sphere of activity?

Answer: Yes.

6.) Question: Are you aware that the defendant v. PAPEN has, in several cases in which the Turlish government was requested by foreign governments (Rumanian, Bulgarian) to agree to the transportation of Jewish refugees to Palestine through Turkey, sucessfully intervened with the Turkish government to obtain this permission, thus relieving considerably the distress of the refugees?

Answer: These circumstances are only known to me by hearsay and I have no positive knowledge of them. I am, however, convinced that the statement is true to fact. My conviction rests upon a series of experiences. In the course of the year I repeatedly called on von PAPEN on behalf of my Jewish colleagues in Istanbul and Ankara to request his intervention for their deported relatives. In every case Von PAPEN complied with my request, as I gathered from the invariably negative answers of the Reich authorities, which von PAPEN had shown to me. In the case of the carrying through of the appointment of my colleague Professor KRANZ who was relieved of his functions in Germany because of his Jewish wife, von PAPEN's action was however sucessful. The acceptance of his appointment to the chair of ancient philology at the University of Istanbul at first miscarried because the Reich authorities refused to let K. leave Germany.

H0686 - 0049

Von PAPEN Document 95
(compilation)

It was only after the intervention of von PAPEN that permission to leave Germany was granted, and K. was able to move to Istanbul with his wife in Spring 1944.

I remember particularly clearly an incident in Spring 1944 when I called upon von PAPEN at the request of Herr BARLAS, the Refugees Commissioner of the Jewish Agency, in order to request his assistance in saving 10,000 Jews in France from deportation to Poland for extermination. These Jews had formerly held Turkish nationality which they had later renounced. Herr von PAPEN complied with my wish and through his intervention the lives of these Jews were saved. Details of this incident, with which Mr. STEINHARDT, then United States Ambassador in Ankara Mr. Numan MENEMENCIOGLU, then Foreign Minister of Turkey, were acquainted, can be obtained by questioning Herr BARLAS.

7.) Question: Are you aware that the defendant v. PAPEN has prevented the NSDAP Headquarters in Turkey from issuing orders to the Reich Germans in Turkey to boycott Jewish firms in Turkey?

Answer: I know nothing about such a direct instruction. What I do know is that Herr Von PAPEN and all his family - despite the well-known attitude of the Nazis - ostentatiously made their purchases in Jewish shops in the Pera Street.

(signed:) Alfred MARCHIONINI

Signed and sworn to before me this Eight day of April 1946.

(signed:) Warwick PERKINS

(Seal) Service No. 23. No fee prescribed.

H0686 - 0050

Von PAPEN Document 96

Filed June 17

- 1 -

INTERROGATORY

ON VICTOR PRINCE ZU ERBACH - SCHOENBERG

Testimony of Victor Prince zu ERBACH - SCHOENBERG given at Gmunden, Austria at 1600 hours, 28 May 1946.

Mr. John S. F. SHROAD, American civilian, appeared before the Investigator-Examiner as a reporter and was sworn by him in the following form:

"You swear that you will faithfully perform the duties of reporter in this investigation now being conducted by me, So Help You God."

Dr. Gottfried Hassfurther appeared as an interpreter and was sworn by the Investigator - Examiner in the following form:

"You swear that you will truly interpret in this investigation now being conducted by me. So Help You God."

VICTOR PRINCE ZU ERBACH-SCHOENBERG appeared before the Investigator - Examiner and testified as follows:

Q. Victor Prince zu Erbach-Schoenberg, I am going to interrogate you at the request of Defendant von PAPEN, who is presently on trial as a war criminal at Nuernberg, Germany. Are you willing to take an oath as to the testimony that you are about to give?

A. Yes.

Q. Do you understand the meaning of an oath?

A. Yes.

Q. Please stand up, raise your right hand, and be sworn. "You, Victor Prince zu Erbach-Schoenberg, swear that the evidence you shall give in this investigation now being conducted by me, shall be the truth, the whole truth, and nothing but the truth. So Help You God."

A. I do.

Q. State your name, home address, age, and occupation.

A. Victor Prince zu Erbach-Schoenberg, Gmunden (Austria) Ort 44, Villa Duben; 66 years old; retired diplomat.

H0686-0051

1.)Q. Were you in the years from 1934 - 1937 during the term of duty of the defendant von PAPEN in Vienna his Councillor (Botschaftsrat) therefore his first and most intimate co-worker?

A. Yes, but only during the years 1934 to 1936.

2.)Q. Are you from this intimate collaboration, familiar with his general political view, particularly on the mission enstrusted to him in Vienna?

A. Yes, as far as I know, von PAPEN's mission in Vienna was the preparation of as close an amalgamation of Austria and Germany as possible.

3.)Q. What was his attitude towards the following points of the Nazi program

a) towards the fight of the Party against the Christian Churches?

b) towards the fight of the Party against Jewry?

Is it known to you that the defendant von PAPEN had heated arguments with the Party (local party offices and Gauleiter BOHLE) about these questions?

A. Von PAPEN absolutely opposed the fight of the Party against the Christian Churches. I am positive that he did not agree to those means used in the fight of the Party against Jewry. I cannot well remember, since it was 10 or 12 years ago, of the defendant von PAPEN had heated arguments with any of the local party offices and Gauleiter BOHLE about the above questions. Furthermore, at that time, no party offices existed competent of such argument.

4.)Q. Did the defendant von PAPEN inform you in 1934 that he accepted the commission to re-establish the relations between Austria and the Reich disturbed by the DOLLFUSS murder, only under the firm condition that any use of force must be discontinued and that the task be fulfilled in an evolutionary manner?

A. I do not know if von PAPEN accepted the commission under any condition It appeared from his activities and his

H0686-0052

remarks, that he absolutely wanted to have a lasting settlement of the Austrian question only to be accomplished by evolution and not by any force.

5.)Q. Did the defendant von PAPEN act in Vienna according to this policy?

A. As long as I was there, I had the impression that the defendant von PAPEN acted according to this policy of establishing the relations through peaceful means rather than force.

6.)Q. Did he regard it as his first task to win the confidence of the Austrian Government; to make it clear to them that he would never do or support anything to reach this goal by force even though he regarded a federal state union of Austria and the Reich as the goal to be pursued by both sides?

A. Yes, he acted according to this policy, to win the support of the Austrian Government by peaceful means.

7.)Q. Is it correct that for this reason the defendant von PAPEN was never interested in a change of the regime of Austria but only wished that the SCHUSCHNIGG Government might find a basis on which to make peace with the Austrian Nazis - also in order to avoid interference by the German Reich Party?

A. It is correct.

8.)Q. Was it von PAPEN's mission to incorporate the South-East of Europe as far as Turkey as "hinterland" into the German Reich? Was Austria to be the first country herein? Did von PAPEN ever talk to you or - as far as you know - to others about these alleged aims of his policy? Does the policy followed by von PAPEN and his political conception exclude such aims and also such declarations?

A. No, it was not von PAPEN's mission to incorporate the South-East of Europe as far as Turkey as "hinterland" into the German Reich. I have no facts pointing towards Austria being the first country therein. I do

H0686-0053

H0686-0054

not remember his ever talking to me about that and I do not know if he ever talked to others about that. I had not the impression at that time that such a political conception was in his mind.

9.)Q. Did the defendant von PAPEN - as Mr. MESSERSMITH assumes in his affidavit - receive a political commission to see to it that the influence of the Reich became predominant in other Southeastern states and did he ever take any steps towards this goal?

A. There is nothing known to me about any order of that kind. It is beyond my knowledge whether he ever took any steps towards that goal. It does not seem probable to me, but I do not know.

10.)Q. In particular, did the defendant von PAPEN ever make offers of a territorial nature to Hungary or Yugoslavia in case of the partitioning of Czechoslovakia?

A. I do not know anything about that question.

11.)Q. In view of your knowledge of the reports made by the defendant von PAPEN to HITLER and the Foreign Office, can you demonstrate that the defendant von PAPEN - as far as it was not a question of reports on events in the bordering countries which became known to him from Vienna sources - never took a hand in the Reich politics towards Czechoslovakia, Hungary, Rumania and Bulgaria, but limited himself to his Austrian task?

A. I do not know if he ever interfered in the Reich policies towards Czechoslovakia, Hungary, Rumania and Bulgaria. He was only working on the Austrian problem with all its intricacies at that time the ramifications of which sometimes involved Hungary and Czechoslovakia.

12.)Q. Are you convinced that the defendant von PAPEN had honest intentions in the full sense of the word as regards the German-Austrian treaty of 11 July 1936 because it put German-Austrian relations on a normal basis; and that, through the declaration to recognize Austrian sovereignty he wanted to make it impossible that Austria would be forced to the "Anschluss" against her will?

A. As far as I know and as long as I have been working with him, I had the impression that his intenions towards the German-Austrian treaty of 11 July 1936 were honest, It was the purpose of all his policy to achieve a federal state union of Austria and the Reich.

13.) Q. Did not Austria and her Government understand the treaty in this way and welcome it vividly?

A. I had the impression at that time that the Austrian government accepted the treaty of its own free will and not as a result of force.

14.) Q. As Austria in the not published part of the treaty had agreed to have the national opposition participate in responsible work, was it not the duty of the Ambassador to see to it that this part was fulfilled, and that he had to keep up contact with the Austrian Nazi Party for this purpose?

A. As I do not recollect anything about an unpublished portion of the treaty which states that the national opposition participate in responsible work, I cannot answer the question.

15.) Q. Can you testify that PAPEN aside from the contact for the above mentioned purpose never took part in the affairs of the Austrian Nazis, above all, never gave them support of any kind in connection with illegal intentions or acts of these National Socialists against their Government?

A. I do not know.

signed Victor Prince zu Erbach-Schoenberg

Attest:

Signed LEONARD L. PHILLIPS, 1st Lt. FA
Investigator - Examiner
USCIT 6829

I certify that the above testimony was translated to the witness in his own language, prior to his signature which appears above.

signed DR. GOTTFRIED HASSFURTHER
Interpreter - USCIT 6829

H0686-0055

H0686-0056

13 June 1946

I, WANDA TIESZEN, Civ. 056265 hereby certify that I am thorough conversant with the English and German Languages; and the above is a true and correct translation of the original document.

WANDA TIESZEN

Civ., 056265

H0686-0057

Filed June 18

von Papen Dok. 97

Th. Graf v. Seherr - Thoss

at present Tettenhausen/Obb.
14 May 1946

AFFIDAVIT

I know the significance of an affidavit, and am fully aware of the fact that giving a false affidavit is punishable. I am also aware of the fact that my affidavit which follows is to be presented to the International Military Tribunal at Nuremberg. I, the undersigned, Theobald Graf v. Seherr-Thoss, declare in place of oath:

During the time of the "Anschluss" of Austria to the Reich Ambassador v. Papen was in Berlin. In those days I had an opportunity of meeting with him almost daily. On that 11 March 1938, when the German Troops started their march into Austria Herr v. Papen appeared at the Unionclub late in the evening where he very excitedly and despairingly declared:

"I am just coming from the Reichskanzlei. I tried to talk Hitler out of the march into Austria and strongly advised against it. But he is committing the madness and just gave orders for the Einmarsch."

Besides being heard by several club-comrades whom I do not remember, this utterance was definitely heard by my brother, Graf Roger Seherr-Thoss, and Mr. Burchart v. Saldern.

During that time Herr von Papen repeatedly made some more remarks, the exact wording of which I do not remember, but which showed clearly, that Hitler's policy of forcing the Anschluss of Austria to the Reich, could in no way be brought in harmony with his.

Signed: Theobald Graf v. Seherr-Thoss

This affidavit was received today by the undersigned attorney

Signed: signature
Attorney

Traunstein, 31 May 1946

H0686-0058

filed June 18, 1946

Th. Graf v. Seherr - Thoss

at present Tettenhausen/Obb.
14 May 1946

AFFIDAVIT

I know the significance of an affidavit, and am fully aware of the fact that giving a false affidavit is punishable. I am also aware of the fact that my affidavit which follows is to be presented to the International Military Tribunal at Nuremberg. I, the undersigned, Theobald Graf v. Seherr-Thoss, declar. in place of oath:

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During that time Herr von Papen repeatedly made some more remarks, the exact wording of which I do not remember, but which showed clearly, that Hitler's policy of forcing the Anschluss of Austria to the Reich, could in no way be brought in harmony with his.

Signed: Theobald Graf v. Seherr-Thoss

This affidavit was received today by the undersigned attorney

Signed: signature
Attorney

Traunstein, 31 May 1946

Results of the Reichstag Elections
1930/1932
and of the election of the President of the Reich
in March/April 1932.

Taken from SCHULTHESS' Calendar, of European History, published by Ulrich THUERAUF, C. H. BECK's publishing house, Munich.

Filed June 14, 1946

I. Reichstag elections (number of votes and mandates)

	1930	31 July 1932	6 November 1932	5 March 1933
Social Democratic Party	8,575,000 136	7,951,245 133	7,231,404 121	7,103,500 119
NSDAP	6,406,000 110	13,732,779 230	11,705,256 196	17,265,800 288
Communist Party	4,590,000 78	5,278,094 89	5,970,833 100	4,748,500 81
Center	4,127,000 69	4,586,501 75	4,228,322 70	4,298,300 73
German National Peoples Party (5.3.1933: Black-white-red fighting front	2,457,000 42	2,172,941 37	3,061,626 51	3,115,700 52
Thuringian Provincial Party (German National)			60,065 1	
German Hannoverian			63,999 1	
German Peoples Party (5.3.1933: and Peasants)	1,577,000 27	434,548 7	659,703 11	429,500 4
Bavarian Peoples Party	1,058,000 19	1,190,453 22	1,081,595 19	1,206,300 19

H0686-0059

	1930	31 July 1932	6 November 1932	5 March 1933
Rural (Landvolk)	1,108,000 18	91,284 1		
Economic Party	1,361,000 21	146,061 2	110,117 2	
German State Party	1,322,000 16	371,378 4	337,871 2	332,300 6
Christian Social Peoples Service	869,000 21	364,749 3	412,523 5	379,000 4
German Peasants Party		2	195,368 3	
Wurtemberg Peasants Union		2	105,188 2	
People's Rights Party		1		
Weingaertner				313.300 1
Total: Votes (inclusive fractional parties) Mandates	abt. 34,000,000 557	abt. 36,900,000 608	abt. 35,471,745 584	abt. 39,500,000 647

H0686-0060

II. Election of the President of the Reich in March/April 1932.

(Number of votes)

	First Ballot (13 March 1932)	Second Ballot (10 April 1932)
Duesterberg	2,557,590 (6.8 %)	
von Hindenburg	18,650,730 (49.6 %)	19,359,633 (53 %)
Hitler	11,339,285 (30.1 %)	13,418,051 (36.8 %)
Thaelmann	4,983,197 (13.2 %)	3,706,655 (10.2 %)
Winter	111,432 (0.3 %)	

H0686-0061

H0686-0062

Filed June 14, 1946

V. Papen Document 99

Affidavit of Count Friedrich von Schaffgotsch.

I know the significance of an affidavit. I know especially that giving false evidence is punishable. I am conscious of the fact that the following affidavit shall be submitted to the International Military Tribunal at Nuernberg, and I, Count Friedrich von Schaffgotsch, Warmbrunn, temporary residence at Schloss Kreuth near Heideck say the following under oath:

I refer to the facts given in my affidavit of 8 May 1946. I complement them by adding that Mr. von Papen told me he wants especially to make representations to Hindenburg to renew the request that special care should be taken that after the death of the Reich President the office of the Reich President shall not be merged with the office of the Reich Chancellor in a personal union.

I personally had the impression that the visit of Mr. von Papen was prevented among other facts upon the activities of the son and Adjudant of the Reich President, Colonel von Hindenbrug. I, myself had found out regarding myself that in the past the Reich President had been deceived in a similar manner. Hindenburg had invited me repeatedly. However, these invitations had not been passed on to me. I heard about it from Professor Adam who told me Hindenburg was always surprised when he was told repeatedly that I had declined the various invitations.

Nuernberg, 8 May 1946

(signed) Friedrich Graf
von Schaffgotsch

I hereby certify that above signature of Count Friedrich von Schaffgotsch has been made in my presence.

Nuernberg, 8 May 1946

(signed) Dr. Kubuschok.

H0686-0063

Filed June 14, 1946

v. Papen Document 100

Excerpt

from

Schulthess's

Calendar of European History

Published by Ulrich Thuerauf

New Edition. 49th Consec. Year

Volume 74 of the whole series

1933

C.H. Beck Publishing Agency

Munich 1934

1 February. Dissolution of the Reichstag. Proclamation to the People.

.....

In the evening Reich Chancellor HITLER broadcasts the following proclamation which had been resolved on by the Cabinet:

III. In the Field of Foreign Policy the national government will see its highest mission in maintaining our rights to existence and thereby winning back the freedom of our people. In its determination to put an end to the chaotic conditions in Germany it will help to incorporate into the community of the other nations a state of equal value and thereby, however, one of equal rights also. In this it is imbued with the greatness of its duty to take its stand with this free, equally-privileged people for the maintenance and strengthening of the peace, which the world today needs more than ever before. May the understanding of all the others also help to fulfil this most sincere wish of ours for the good of Europe, yes even of the world. As great as is our love to our army as the bearer of our arms and the symbol of our great past, we would still be happy, if the world by limiting its armaments would make an increase in our own weapons never again necessary,.....

H0686-0064

23 March. (Reichstag). Adoption of the Enabling Act.

Reich Chancellor HITLER delivers the following great platform speech:.....

.....

For years Germany has been waiting in vain for the fulfilment of the DISARMAMENT PROMISE of the others which was given to us. It is the sincere wish of the national government to be able to refrain from increasing the German army and our arms to the extent that the rest of the world also shows itself disposed to fulfil its obligation for a radical disarmament. (Lively applause in right and center). For Germany wants nothing but equal rights to existence and equal freedom. To this spirit of a will for freedom, however, the national government wants to educate the German people. The honor of the nation, the honor of our army, the ideal of freedom, they all must again become sacred to the German people. The German people wants to live in peace with the world. Just for this reason, however, the Reich government will intercede with all means for the final removal of the division of the nations of the world into two categories. By keeping this wound open, one country is led to distrust, the other to hatred and thereby to a general insecurity. The national government is prepared to extend its hand for a sincere understanding to any people that is willing to bring the sad past to a final, definite conclusion. The misery of the world can only pass away when the foundations are established through stabile political conditions and when nations again regain their confidence in each other. In order to relieve the economic catastrophe the following are necessary: 1. an absolutely authoritative leadership in the interior in order to establish confidence in the stability of conditions, 2. a safeguarding of the peace by the large nations for a long period in order to reestablish mutual confidence among nations, 3. the final victory of the basic principles of reason in the organization and direction of the economy, as well as a general discharge of reparations and impossible debt and interest obligations. Unfortunately, we are con-

H0686-0065

fronted by the fact, that the Geneva conference so far has not achieved any practical results in spite of long negotiations. The decision about the introduction of a real disarmament measure has always repeatedly been delayed by raising individual technical questions and by including problems which have nothing to do with disarmament. This procedure is obsolete. The contrary-to-law condition of a unilateral disarmament and the national insecurity of Germany resulting from it cannot go on any longer. As a sign of responsibility and good will we acknowledge that the British government in its suggestion for disarmament has made the attempt to finally bring the conference to a speedy decision. The German government will support every attempt which is directed at carrying out general disarmament effectively and to secure Germany's claim for disarmament, which is long overdue. We have been disarmed for 14 years, and for 14 months we have been waiting for the results of the disarmament conference. More extensive still is the plan of the Chief of the Italian government, who, magnanimous and far-sighted, is trying to secure a peaceful and Gradual development of European policy as a whole. We attribute the utmost importance to this plan; we are prepared to work together in full sincerity on its foundation, in order to join the four large powers England, France, Italy and Germany in a peaceful collaboration, which will bravely and determinedly approach the tasks on whose solution the fate of Europe depends. For this reason we received with special gratitude the understanding cordiality with which the national revolution of Germany has been greeted in Italy. We wish and hope that the equality of spiritual ideals will be the basis for a constant deepening of friendly relations between the two countries. In a similar manner the Reich government, which sees in Christianity the unshakable foundations of the ethics and morality of the people, places the greatest value on friendly relations with the HOLY SEE, and seeks to establish them. Toward our brother-nation AUSTRIA we have a feeling of sympathy in her sorrows and needs. The Reich government in its actions and work is aware of the common destiny

H0686-0066

of all German tribes. The attitude to the remaining individual foreign powers can be seen from what has already been mentioned. But even there where mutual relations have already become burdened with difficulties we will try to reach a compromise. However, the basis for an understanding can never be the division into victors and vanquished. However, we harbor the conviction that such a compromise can be reached in our relations with FRANCE, if the governments of both parties really begin to work on the problems which concern them with an eye to the future. Toward the SOVIET UNION the Reich government is willing to practice friendly relations bringing advantage to both sides. The government of the national revolution in particular considers itself capable of such a positive policy toward Soviet Russia. The struggle against Communism in Germany is our internal affair (very true! from the right), in which we will never tolerate interference from the outside. (Thundering applause from the right). Our relations of national policy to other powers, with whom our common interests link us, will not be affected by this. Our relations with the remaining countries deserve our strictest attention in the future also, especially our relations with the large nations across the seas with whom Germany has been linked for a long time by friendly ties and economic interests. Especially close to our hearts is the fate of the Germans living outside of the Reich frontiers, who are linked to us by language, culture and customs, and who are fighting hard for these treasures. The national government is determined to intervene with all means at its command for the internationally guaranteed rights of the German minorities. We welcome the plan of a WORLD ECONOMIC CONFERENCE and agree to its being held soon. The Reich government is prepared to cooperate with this conference in order finally to attain positive results.

H0686-0067

The most important question is the problem of our private short and long-term foreign indebtedness. The complete change of conditions on the world commodity markets requires an adjustment. A real solution to our common troubles can only grow out of trusting cooperation. Ten years of a sincere peace will be more useful for the welfare of all nations, than 30 years of wandering astray with the idea of victors and vanquished.

Filed Sept. 5, 1946

SUPPLEMENTARY - DOCUMENTS - BOOK I

for the defense of the defendant Franz von PAPEN

presented by Defense Counsel

Dr. Egon KUBUSCHOK

H0686-0068

H0686-0069

Associazione della
Stampa Estera in Intalia
Sezione di Milano
- - -

Milano
Palazzo della Poste
Telefone 88-510

Corrispondenza Private del Soci

29 May 1946

Dear Dr. Dix,

A letter addressed to Nuremberg some time ago was returned to me from there. The office of the secretary of the War Crime Trial refused acceptance, as the letter did not have sufficient postage from Switzerland. I am now writing directly to you, whereby due to newspaper reports, I am rather of the opinion, that my standing up for Dr. Schacht will be hardly necessary anymore.
As I don't know the name of Mr. von Papen's defense-counsel, I should be grateful, if you would give him the second statement, with sincere regards for Mr. v. Papen at the same time

I should like to mention here two more things:
It is possible, that Dr. Schacht does not remember me at all or only casually. At that time he came to Budapest for a visit of the Hungarians, President of the National Bank Béla Imrédy, and not in order to converse with Germans.
My statements in the case of Messrs. Dr. Schacht and von Papen in no way substantiate recognition of the legitimacy of the proceedings. I am rather of the opinion, that it is a matter for the German people to give a trial to those, who are guilty of its downfall. That men like Dr. Schacht, von Papen, Baron Neurath etc. do not belong to those, is not only my personal opinion.
I was arrested and reprimanded at that time by the political instances of the Third Reich for unwanted political activity, taken off the list of editors. In arrest at the time of the collapse I looked forward to being sentenced for subversive activity.
Be assured my dear (attorney-at-law) Sir, of my greatest esteem!

/s/ Signature
(Dr. W. Rademacher von Unna)

H0686-0070

Affidavit
of W. Rademacher von Unna.

During the time of office of the Reich-Chancellor [illegible] (a.D.) Franz von Papen as a Special Ambassador of the German Reich in Vienna, I practiced the profession of a foreign correspondent in Hungary and Austria. I lived and worked in Vienna long before the "assumption of power".
Apart from my exact knowledge of the political events in and around Austria, relations existed between Mr. von Papen and myself, which went beyond the strictly professional attitude. Just as much as the ambassador knew, that my attitude to national socialism was negative, he too, hardly concealed his feelings about the developments in the Third Reich - namely with regard to its policy toward the Austrian Bund-Republic.
It is absurd to assert, that Mr. von Papen is guilty or is a prominent accomplice in the undermining and final destruction of the state-autonomy of Austria. Whether Hitler sent Mr. von Papen to Vienna in order, that he used himself there diplomatically and politically, or thanks to this personality to throw sand into the eyes of the Austrian Bund-Government with regard to his own dark intentions: that I do not dare to decide it is certain however, that Mr. von Papen does not carry a guilty responsibility, which led to the extinction of Austria.

In reality Mr. von Papen was accused, by the illegal Austrian national socialists a d their Reich-German partymembers assisting them within the country, of double-crossing their plans, of not supporting the "Anschluss"in a form wished by them, but on the contrary to look for good and friendly relations with the Austrian Bund-Government. Various plans existed to eject Mr. von Papen: for this purpose malevolent, partly however, "reports" correctly seen about him, were sent to Berlin, in which personalities closely related to the German Embassy, also participated. In this connection I mention the DNV representative v. Rittgen, who denoted Mr. von Papen as dangerous for the national socialist aims in Austria.

H0686-0071

A person standing close to Hermann Goering and higher SS-Fuehrer Dr. Harald TURNER on the occasion of a trip to Germany, expressed to me the somehow identical thoughts with regard to the activity of von Papen in Austria.
Mr. von Papen, who was vastly, if not altogether excluded, from what went on between official offices in Berlin and illegal, but authoritative offices in Vienna, mentioned to me, that "Berlin", with regard to the Austrian Bund-Government, wanted to stamp him as a liar and hypocrite or clown. He however, would not let anybody stop him in accomplishing his mission, as he himself interpreted it: to be mediator and peacemaker. For that reason he would show the door to anybody, who wanted to misuse him in Austria for shady purposes.
In this connection it is worthwhile to mention, that a member of the Austrian Government - a state-secretary whose name I forgot - endeavoured to find personal, but secret contact with the German Special Ambassador in order "to offer his services for the German cause". Mr. von Papen rejected this desire reasoning that he refused to participate in conspiracies which are aimed at the official policy of the Ballhausplatz. He tried up to now, to work openly and loyally together with the Bund-Government and as far as his person was concerned, would not go any other way.
Foregoing affidavit given under oath.

Milano, 29 May of 1946

Associazione della Stampa Estera
Palazzo delle Poste, Milano.

/s/ Signature
W. Rademacher von Unna

H0686-0072

Questionnaire

Fritz Guenther von TSCHIRSCHKY

In the City of London, England, on this thirteenth day of June One thousand nine hundred and forty-six, before me the undersigned Felix William GRAIN, Notary Public thereof, duly admitted and sworn, practising in the said City, and also a Commissioner to Administer Oaths in the Supreme Court of Judicature in England, personally came and appeared Fritz Guenther von TSCHIRSCHKY, of No. 8 Castletown Road West Kensington, London, who understands and is conversant with the English language and to whom are addressed the 27 Interrogatories in the German language here unto annexed, marked "F.W.G.1"; thereupon the said Fritz Guenther von TSCHIRSCHKY having been by me first duly sworn in due form of law, to testify the truth, the whole truth and nothing but the truth, made oath and said that the Answers made by him to each of the said Interrogatories as set out in the document in the German language also hereunto annexed, marked "F.W.G.2", are true and correct.

Whereof an act being required I, the said Notary, have prepared these presents which I sign and seal on the day, month and year last above written, to serve and avail when and where need may require, and the said Fritz Guenther von TSCHIRSCHKY has signed at foot of the said Interrogatories and Answers in my presence.

(signed) signature

Notary Public,

LONDON.

A Commissioner for Oaths.

F.G. von TSCHIRSCHKY
33, Cliveden Place,
London SW 1.

London, 7 June 1946
"F.W.G.2."

H0686-0073

To the

General Secretary of the

International Military Tribunal,

N u e r n b e r g

In response to the questionnaire sent to me by the Defense Counsel of the Defendant von PAPEN, Dr. KUBUSCHOK, I state as follows:

Question 1:

From 1 April 1933 until 31 December 1934 I was von PAPEN's adjutant, escort and associate and during that time accompanied him on nearly all his trips.

As regards the political views of the defendant, I can express an opinion only to the extent that these became known to me from his political statement of belief in his speeches.

As regards his attitude towards the National Socialist party I can say that during the time that I worked with him it was negative and unfavorable, even hostile.

Question 2:

The defendant was not in any respect a National Socialist. In his speeches and actions he at all times tried to prove that the basic ideas of National Socialism are wrong.

In other words, he not only did not endorse such ideas, but fought them whenever there was occasion.

The entire family, Frau von PAPEN, his son Franzi and all his daughters not only rejected National Socialism, but also expressed definite hostility to

Question 3:

The safeguards which were incorporated on 30 January 1933 were in no case intended to deceive the German people and the world. They undoubtedly were expected to prevent HITLER and the National Socialist party from carrying through their policy.

Question 4:

It is known to me that von PAPEN endeavoured to create a strong block of conservatives, to counter-balance the National Socialist party.

Question 5:

I do know that HITLER made use in fullest measure of his constitutional rights as Reich Chancellor to determine the guiding lines of policy. Resistance offered by conservative ministers mostly failed because it was never backed by the necessary power and unanimity.

H0686-0074

Question 6:

It is known to me that the joint reports to HINDENBURG were discontinued because of his mistrust for HITLER. Intrigues carried on against von PAPEN in HINDENBURG's entourage created favorable circumstances for such a position by HITLER.

Question 7:

The answer is by all means yes; during the first year of HITLER's government von PAPEN in many points offered strong resistance to its legislation. Once again the attempt made with the Enabling Act, to legalize all laws accepted by the cabinet merely by virtue of the Reich President's signature failed because of the resistance offered by HINDENBURG's associates and, primarily, because of State Secretary MEISSNER who at all times played a sinister role.

Question 8:

It is true that von PAPEN vigorously protested to HITLER and SELDTE against incorporation of the "Stahlhelm" into the SA.

It is true that von PAPEN made the strongest protests, not only against operations organized individually by GOEBBELS but also against those organized by any party organization - regardless of type or against whom they were directed, but especially those against Jewish nationals and Jewish department stores. It is true that he did prevail on HITLER to make the declaration that the revolution was completed and that future individual actions by the party would be considered sabotage.

Question 9:

The Vice Chancellory newly appointed in April 1933 consisted of non-politically minded officials and conservatives. None of the functionaries of that ministry openly espoused National Socialism. The functionaries were people who during office hours as well as outside of their offices rejected National Socialism, sometimes were openly antagonistic.

Question 10:

There is no doubt but that von PAPEN and his associates were endeavouring to protect the Christian Church in Germany.

H0686-0075

H0686-0076

The histility of the majority of National Socialists towards Christianity was sufficiently well known. Von PAPEN believed that through the concordat he could bring HITLER and the National Socialist party under such strong contractual obligations that their hostility toward the church would be checked.

Question 11:

I do not believe that von PAPEN could possible have had a share in the violati of the concordat which occurred later on, or still worse, that the misused his religious principles for political frauds.

Question 12:

I know that in making his appeal to public opinion, von PAPEN was moved by hi own conviction and followed the pressure of his associates and that there was generous assistance by his associates in preparing for his address at Marburg. That step was planned and its effect thoroughly calculated in order to force HITLER to abide by the commitments under which von PAPEN had consented t the formation of the government on January 30, 1933.

Question 13:

It is correct that when GOEBBELS refused permission for publication of von PAPEN's Marburg address, he submitted his resignation to the Reich Chancellor at once. HITLER insisted that von PAPEN must not make his resignation public. Threats were uttered in the event that von PAPEN should announce his resignati publicly all the same.

Question 14:

It is not known to me that von PAPEN expressed ideas to the effect that the HITLER government should solve its aims of foreign policy through war and aggression. In the years 1933 and 1934, such ideas would have been absurd.

Question 15.

In the years 1933 and 1934 there could be no question of "preparations for a war" and "planning and preparing for wars of aggression".

Question 16.

It is known to me that von PAPEN agreed, though with reluctance, to Germany's withdrawal from the disarmament conference and that at all cost he wanted to prevent Germany's withdrawal from the League of Nations?

Question 17.

It is correct that von PAPEN made his appearance, in HITLER's company, at a meeting in Essen.

Question 18.

It is correct that immediately after being released from several day's detention which took place in connection with happenings of 30 June 1934, von PAPEN went to the Reich Chancellory to demand immediate acceptance of his resignation. Once more HITLER used threats and refused to have his resignation published.

It is correct that after 30 June 1934 von PAPEN no longer participated in cabinet meetings in his capacity of Vice Chancellor.

It is correct that he went to Warmbrunn in Silesia.

It is true that he asked von KETTELER to approach Reich President von HINDENBURG and that von KETTELER was not received.

It is also true that upon repeated inquiries made by von PAPEN himself the reply always given was that von HINDENBURG could not see him because he was too sick. It is also true, however, that this assertion originated solely among the Reich President's associates because they wanted to prevent von HINDENBURG from learning the true facts about what had happened on 30 June. The Reich President himself asked repeatedly why von PAPEN did not come to see him.

Question 19, 20, 21, 22, 23 can all be covered by one answer.

It is true that von PAPEN constatly endeavoured to use his influence on HITLER so that he would not support the policy of terrorism carried by the Nazis in

H0686-0077

Austria. It is correct that von PAPEN accepted the post of ambassador extraordinary to Vienna for the sole reason that he hoped to prevent the policy of insanity being carried on in Austria by HITLER and the NSDAP. It is correct that von PAPEN predicated his acceptance of the mission on HITLER's pledge to forbid party interference in matters pertaining to Austria, to call back Gauleiter HAINICHT at once and to refrain from any aggressive action. It is true that these pledges were accepted by HITLER after lengthy protests and that they were then put down in writing.

Question 24:

It is true that von PAPEN strictly limited the duration of his mission until normal and amicable relations with Austria should be established.

Question 25:

I can testify to the fact that up until the time of my departure from Vienna it was von PAPEN's aim to carry out the policy established in Bayreuth with regard to Austria.

Question 26:

I have no comments to offer regarding utterances made by von PAPEN to the American Ambassador MESSERSMITH. Von PAPEN never discussed with me the purported aims of his policy in Southern Europe, as referred to in question 26.

It is not known to me that von PAPEN's mission at any time went beyond the one pertaining to Austria.

Question 27:

According to what I know about von PAPEN's opinion on the Austrian problem. I think I can make the statement that von PAPEN would never have consented to strive for an "Anschluss" if it had to be obtained through force.

The above depositions are being made by me according to the best of my knowledge and in accordance with the truth.

Signed Fritz Guenther von TSCHIRSCHKY

H0686-0078

Interrogatory FRITZ GUENTHER VON TSCHIRSCHKY.

Question 1:

Were you, during the time, when the defendant von PAPEN was Vice Chancellor and later from 1933 to the middle of 1935 in Vienna, his personal adjutant, companion and collaborator and did you accompany him during the time in all his travels? Are you able, therefore, to pass competent judgment on all the political ideas of the defendant, as well as his political creed, as stated in his speeches and on his relaion to the NSDAP?

Answer:

From 1 April 1933 until December 31, 1934 I was von PAPEN's adjutant, escort and associate and during that time accompanied him on nearly all his trips. As regards the political views of the defendant, I can express an opinion only to the extent that these became known to me from his political statement of belief in his speeches.

As regards his attitude towards the National Socialist party I can say that during the time I worked with him it was negative and infavorable, even hostile.

Question 2:

Was the defendant a National Socialist, that is, did he advocate the fundamental ideas of National Socialism in his speeches and practises?

What was the attitude of the defendant's family, who are well known to you - his wife and children - towards National Socialism?

Answer:

The defendant was not in any respect a National Socialist. In his speeches and actions he at all times tried to prove that the basic ideas of National Socialism are wrong.

In other words, he not only did not endorse such ideas, but fought them whenever there was occasion.

The entire family, Frau von PAPEN, his son Franzi, and all his daughters not only rejected National Socialism, but also expressed definite hostility to it.

H0686-0079

H0686-0080

Question 3:

Were the safeguards which were included during the formation of the Government on 30-1-1933 (only 3 Nazi Ministers and 8 conservative Ministers, PAPEN as Vice Chancellor and President Minister in Prussia, joint reporting with HITLER to HINDENBURG, the formation of the conservative voting block "Black-White-Red" and others) calculated to deceive the German people and the world - or were they intended, with all the foresight humanly possible, to prevent HITLER from beginning to carry out a policy with which the conservative members of the Government could not agree?

Answer:

The safeguards which were incorporated on 30 January 1933 were in no case intended to deceive the German people and the world. They undoubtedly were expected to prevent HITLER and the National Socialist party from carrying through their policy.

Question 4:

Is it known to you that the defendant von PAPEN tried to create a strong conservative block as a counter-balance against the NSDAP for the decisive Reichstag election on 5 March 1933, that for this reason he negociated with the parties of the right and the Stahlhelm for the creation of a common program and of new and younger deputies, but that these negotiations were wrecked partly on account of the inflexibility and inertia of the old parties?

Answer:

It is known to me that von PAPEN endeavoured to create a strong Block of conservatives, to counter-balance the National Socialist party.

Question 5:

Is it true that HITLER made the fullest possible use of his constitutional right, as Reich Chancellor, to determine the guiding principles of the policy and that therefore the opposition of the conservative Minister had little success?

Answer: I do know that HITLER made use in fullest measure of his constitutional right as Reich Chancellor to determine the guiding of policy. Resistance offered by conservative ministers mostly failed because it was never backed by the necessary power and unanimity.

H0686-0081

Question 6:

Did it happen that the joint reports with HITLER to the Reich President were soon given up because HITLER made it clear to HINDENBURG that he was compelle to regard the presence of the defendant von PAPEN as a vote of no confidence?

Answer:

It is known to me that the joint reports to HINDENBURG were discontinued beca of his mistrust for HITLER. Intrigues carried on against von PAPEN in HINDEN BURG's entourage created favorable circumstances for such a position by HITLE

Question 7:

Is it true that the defendant von PAPEN put up a strong resistance on many points to the legislation which then followed, that he, for instance, in the case of the Enabling Act (Ermaechtigungsgesetz) considered it as urgently necessary to legalize all laws decided by the Cabinet only by the signature of the Reich President, but that the Secretary of State MEISSNER and others appointed by HINDENBURG did not agree with this wish of the defendant von PAPEN because the Reich President should not be encumbered with the responsib ility for all such laws?

Answer:

The answer is by all means yes; during the first year of HITLER's government von PAPEN in many points offered strong resistance to its legislation. Once again the attempt made with the Enabling Act, to legalize all laws accepted by the cabinet merely by virtue of the Reich President's signature failed because of the resistance offered by HINDENBURG's associates and, primarily, because of State Secretary MEISSNER who at all times played a sinister role.

Question 8:

Did the defendant von PAPEN raise the strongest objections to HITLER and SELD against the inclusion of the "Stahlhelm" in the SA?
Did he raise the strongest objections against the individual operations organi by GOEBBELS against Jewish citizens and department stores and persuade HITLER to declare that the Revolution was completed and that continued individual action on the part of the Party could not but be considered as sabotage of his Government?

H0686-0082

Answer:

It is true that von PAPEN vigorously protested to HITLER and SELDTE against incorporation of the "Stahlhelm" into the SA?.

It is true that von PAPEN made the strongest protests, not only against operations organized individually by GOEBBELS but also against these organized by any party organization - regardless of type or against whom they were directed, but especially those against Jewish nationals and Jewish department stores. It is true that he did prevail on HITLER to make the declaration that the revolution was completed and that future individual actions by the party would be considered sabotage.

Question 9:

What was the composition of the Vice Chancellery newly formed in February 193 Were there National Socialists in this ministry?

What was the trend of thought of the associates of defendant von PAPEN?

Answer:

The Vice Chancellory newly appointed in April 1933 consisted of non-political minded officials and conservatives. None of the functionaries of that ministry openly espoused National Socialism. The functionaries were people, who during office hours as well as outside of their offices rejected National Socialism, some times were openly antagonistic.

Question 10:

Did the defendant von PAPEN endorse the idea that first all the Christian Church in Germany would have to be protected against excesses of the Nazis who, in part, were known for their hostility towards Christianity and was this the reason why he proposed to HITLER to sign the concordat?

Answer:

There is no doubt but that von PAPEN and his associates were endeavoring to protect the Christian Church in Germany. The hostility of the majority of National Socialism towards Christianity was sufficiently well known. Von PAPEN believed that through the concordat he could bring HITLER and the National Socialist party under such strong contractual obligations

H0686-0083

that their hostility toward the curch would be checked.

Question 11:

You know what the attitude on the part of the defendant von PAPEN and his family, on religious questions was and you accompanied him to Rome for the conclusion of the concordat. Do you think it possible that - as purported by the indictment - in the violation of the concordat which later occurred through the HITLER governmert, von PAPEN was personally implicated and that he actually degraded his religious conviction in a political fraud?

Answer:

I do not believe that von PAPEN could possible have had a share in the violati of the concordat which occurred later on, or, still worse, that he misused his religious principles for political frauds.

Question 12:

Is it your opinion that in resorting to full publicity in his Marburg address this was done as a last attempt to force HITLER to keep the promise given the German people and to observe the restrictions under which the defendant von PAPEN had agreed to the formation of the government of 30 January 1933?

Answer:

I know that in making his appeal to public opinion, von PAPEN was moved by his own conviction and followed the pressure of his associates and that there was generous assistance by his associates in preparing for his address at Marburg. That step was planned and its effect thoroughly calculated in order to force HITLER to abide by the commitments under which von PAPEN had consented to the formation of the government on January 30, 1033.

Question 13:

Is it true that one day after publication of his Marburg speech was forbidden by GOEBBELS, von PAPEN handed his resignation to HITLER? And that this resignation was held up by HITLER, presumably because he intended to settle the case with GOEBBELS?

H0686-0084

Answer:

It is correct that when GOEBBELS refused permission for publication of von PAPEN's Marburg address, he submitted his resignation to the Reich Chancellor at once. HITLER insisted that von PAPEN must not make his resignation public. Threats were uttered in the event that von PAPEN should announce his resignation publicly all the same.

Question 14:

Can you tell whether, in his speeches or in private conversations the defendar von PAPEN at any time even uttered the idea that the HITLER government would have to solve Germany's foreign-political aims (release from the discriminatic of the Versailles Treaty) through war and aggression?

Answer:

It is not know to me that von PAPE expressed ideas to the effect that the HITLER government should solve its aims of foreign policy through war and aggression. In the years 1933 and 1934, such ideas would have been absurd.

Question 15:

What is your comment on the charge that the defendant von PAPEN made "preparations for a war" and that he participated in "plans and preparation for wars of aggression"?

Answer:

In the years 1933 and 1934 there could by no question of "preparations for a war" and "planning and preparing for wars of aggression".

Question 16:

Is it known to you that the defendant von PAPEN consented to withdrawal from the armaments commission but not to Germany's withdrawal from the League of Nations and that he followed HITLER to Munich to prevent his doing this?

Answer:

It is known to me that von PAPEN agreed, though with reluctance, to Germany's withdrawal from the disarmament conference and that at all cost he wnated to prevent Germany's withdrawal from the League of Nations?

H0686-0085

Question 17:

Is it true that after an appeal to the nation, to express its approval of the withdrawal, by a plebescite and that after HITLER declared to NEURATH and HINDENBURG t notwithstanding Germany's withdrawal from the League of Nations its policy would continue to be one of peace - the defendant von PAPEN went with HITLER to Essen, to make known his support of the plebiscite?

Answer:

It is correct that von PAPEN made his appearance, in HITLER's company, at a meeting in Essen.

Question 18:

Is it true that immediately upon release from a detention of several days - because of the happenings of 30 June 1934 - von PAPEN went to the Reich Chancellory to demand immediately acceptance of his resignation? Did HITLER consent, but did he refuse to make public announcement of it at once? Did the defendant von PAPEN not attend any cabinet meetings nor participate in any government activity after June 1934?

Dic he depart for Warmbrunn in Silesia, on 5 July 1934, to remain there on leave until July 25?

Did he ask von KETTELER to approach HINDENBURG because the reply was given to seve requests made by the defendant von PAPEN himself that HINDENBURG was unable to see him due to ill health? Was KETTELER likewise not received, evidently because HINDE BURG had been given an entirely wrong picture of the events of 30 June and that it was intended to prevent the defendant from correcting it?

Answer:

It is correct that immediately after being released from several day's detention which took place in connection with the happenings of 30 June 1934, von PAPEN went to the Reich Chancellory to demand immediately acceptance of his resignation. Once mor HITLER used threats and refused to have his resignation published. It is correct th after 30 June 1934 von PAPEN no longer participated in cabinet meetings in his capacity of Vice Chancellor.

It is correct that he went to Warmbrunn in Silesia.

It is true that he asked von KETTELER to approach Reich President von HINDENBURG and that von KETTELER was not received.

It is also true that upon repeated inquiries made by von PAPEN himself the reply always given was that von HINDENBURG could not see him because he was too sick. It is also true, however, that this assertion originated solely among the Reich President's associates because they wanted to prevent von HINDENBURG from learnin the true facts about what had happened on 30 June. The Reich President himself asked repeatedly why von PAPEN did not come to see him.

Question 19:

What was the attitude of the defendant von PAPEN in regard to HITLER's request to accept a mission to Vienna in order to improve again the seriously disturbed rela with Austria?

Question 20:

Did the defendant von PAPEN not have the gravest misgivings after the happenings of 30 June? Was von PAPEN's disregard for his misgivings not accounted for merely because of his reasoning that something had to be done to prevent a complete fail of that question which since 1866 had at all times been the principal problem in the German policy of unification?

Question 21:

Had not the defendant von PAPEN during the preceding months recommended time and a to HITLER not to support the terroristic policy practiced by the Nazis in Austri Did he not also express urgent warning against the "1000 mark embargo"?

Question 22:

If the defendant von PAPEN had been anxious to accept apost would he not much rat have accepted HITLER'S offer early in July to become accredited as an emissary to the Vatican?

Question 23:

Is it correct that von PAPEN predicated acceptance of the Vienna mission on HITL pledge to forbid the party's interference in Austrian affairs, to recall Gauleiter HABICHT at once and to work for Austria's union to the Reich through evolutionary development, in other words, to desist from aggressive action of any sort?
Did HITLER accept these stipulations aft r long conflicts and were they then put down in writing ?

H0686-0086

H0686-0087

Answer: (Question 19,20,21,22,23 can all be covered by one answer.
It is true that von PAPEN constantly endeavored to use his influence on HITLER so that he would not support the policy of terrorism carried out by the Nazis in Austria. It is correct that von PAPEN accepted the post of ambassador extraordinary in Vienna for the sole reason that he hoped to prevent the policy of insanity being carried on in Austria by HITLER and the NSDAP. It is correct that von PAPEN predicated his acceptance of the mission on HITLER's pledge to forbid party interference in matters pertaining to Austria, to call back Gauleiter HABICHT at once and to refrain from any aggressive action. It is true that the pledges were accepted by HITLER after lengthy protests and that they were then put down in writin

Question 24:

Is it also correct that the defendant von PAPEN was prepared to accept a mission of limited duration only, i.e. until establishment of normal and amicable relations with Austria, which also explains his title being "Ambassador on a special mission"?

Answer:

It is true that von PAPEN strictly limited the duration of his mission u normal and amicable relations with Austria should be established.

Question 25:

Can you testify that in regard to Austria the defendant von PAPEN was at all times trying to put into practice the policy established in Bayreuth

Answer:

I can testify to the fact that up until the time of my departure from Vienna it was von PAPEN's aim to carry out the policy established in Bayreuth with regard to Austria.

Question 26:

The American Ambassador MESSERSMITH testified that (at the time of MESSERSMITH's first official call at the German Embassy) the defendant von PAPEN made the statement that he (von PAPEN) had orders to work for permeation of the German influence in political and economic matters in all South European states?

H0686-0088

Later von PAPEN is said to have made territorial promises to Hungary and Serbia to become effective when Czechoslovakia should have been partitioned and Austria annexed. Did the defendant von PAPEN speak to you or - to your knowledge - to anybody else about these purported aims of his policy? Does the policy pursued by the defendant von PAPEN and his political attitude exclude such aims and also such declarations?

Do you know whether the defendant von PAPEN had at any times missi which went beyond the Austrian mission?

Do you know whether the defendant von PAPEN at any time interfered in the Reich policy as regards Czechoslovakia, Hungary, Yougoslavia, Rumania or Bulgaria?

Answer:

I have no comments to offer regarding utterances made by von PAPEN to the American Ambassador MESSERSMITH. Von PAPEN never discussed with me the purported aims of his policy in Southeastern Europe, as referred to in question 26. It is not known to me that von PAPEN's mission at any time went beyond the one pertaining to Austria.

Question 27:

Do you know that the defendant von PAPEN always took the attitude toward the SCHUSCHNIGG government that a national union with the Reich, at a later date and on a federal basis - similar to Bavaria's position in 1871 in matters pertaining to political law, would constitute the best solution for both parties because it would guarantee far-reaching autonomy to Austria?

This being so, do you believe that the defendant von PAPEN would at any time have been ready to work for an "Anschluss" which would have had to be obtained by HITLER through force?

Answer:

According to what I know about von PAPEN's opinion on the Austrian problem, I think I can make the statement that von PAPEN would never have consented to strive for an "Anschluss" if it had to be obtained through force.

s/Dr.KUBUSCHOK
s/F.G.von TSCHIRSCHKY.

HO686-0089

G H Z F O.

Security Control.

No. 22 SUR/POL/CAB

"Copy"

Subject: Hearing of the witness GROEBER, Conrad.

Affair: VON PAPEN accused of war crimes.

Interrogatory

of Dr. Conrad GROEBER

French Republic

Minutes

The year one thousand nine hundred and forty six, twenty third of May, at fifteen hours.

We, LUDMANN, Pierre, Divisionary Commissary for Security of the Country of Baden, at Freiburg.

Whereas the rogatory Commission on the date of 9th April 1946 of the International Military Tribunal at Nuernberg, in the matter of the procedure now taking place against von PAPEN, at present detained at Nuernberg, accused of war crimes.

We proceed to hear Archbishop GROEBER Conrad, aged 74 years, born 1st April 1872 at Messkirch (Baden), Doctor of theology, Archbishop, domiciled at 2 Burgstrasse, Freiburg in Breisgau, who after having sworn to tell the truth and nothing but the truth and states he is neither a relative

H0686-0090

nor connected with the service of the accused, testifies as follows:

1. I am convinced that von PAPEN, on his own initiative, proposed the Concordat between Germany and the Holy See. This is clear from all the negotiations that took place in Rome on this subject and at which I was present. Moreover, von PAPEN wanted by this means to rehabilitate himself with the "Central" Party, whilst at the same time rendering a great service to the Catholic Church. But I could not affirm that von PAPEN did not speak to HITLER about his scheme before going to Rome for the Easter festivals in 1933.

2. I cannot give any answer to the second question, viz. whether the text of the Concordat proposed by the defendant did not have HITLER's approval from the beginning, as I have no information as to this, I do know, on the other hand, that von PAPEN sometimes telephoned from Rome to HITLER on this subject, without however my being able to say what was the sense of the communications or their tenour.

3. It did not need much effort to obtain HITLER's consent to the text of the Concordat, as difficulties did not originate from HITLER, for whom the Concordat meant a big success from the point of view of foreign policy, but rather from the Ministry of the Interior at the head of which was FRICK.

This Ministry held a council at night and sent to Rome, by aeroplane, the Ministerial Director Dr. BUTTMANN to continue the negotiations together with von PAPEN. The original text planned between Cardinal PACELLI, von PAPEN and Monseigneur KAAS and myself was not materially changed by Dr. BUTTMANN, which surprised us.

H0686-0091

4. I can certify that the activity of the defendant von PAPEN was, when the Concordat was concluded, in itself dictated by his positive position as regards relig .

5. The German Episcopate was pleased when the Concordat was concluded.

6. The Concordat was often broken, even on important points, but it did in many instances give the Church juridical support in subsequent religious strife. The Chu ch was always able, right up to the end, to refer to the Concordat.

7. The community of German Catholic workers (Arbeitsgemeinschaft Katholischer Deutscher") was not an association coming under Article 31 of the Concordat and consequently was not among the Catholic organizations protected by the Concordat.

8. The breaking up of the Community of German Catholic Workers cannot therefore be considered as an attempt against the Concordat.

Read approved and signed

Signed: Dr. GROEBER

Conrad

Archbishop

The Divisional

Commissary,

Signed: LUDMANN

H0686-0092

The above are the minutes which we transmit to the International Military Tribunal, Nuernberg, on the above date for whatever need may arise.

The Divi ional Commissary

(signed) P. LUDMANN.

Certification.

The undersigned, H. DUFELDT, certifies that he is thoroughly conversant both with the French and English language and that the above document is word for word a true translation of these minutes.

s/ H. DUFELDT

Section VI

Nuernberg, 11 July 1946.

Synopsis of Questions and Answers of Archbishop Dr. Groeber

Question 1: Did the Defendant von Papen on his own initiative propose to negotiate a Concordat between Germany and the Holy See? Did the text of the Concordat as proposed by the Defendant at first not have Hitler's approval? Did it not need the greatest effort to obtain - with only minor changes - Hitler's consent to the text which was considered by him as inadeguate?

Answer: 1) I am convinced that von Papen, on his own initiative, proposed the Concordat between Germany and the Holy See. This is clear from all the negotiations that took place in Rome on this subject and at which I was present. Moreover, von Papen wanted by this means to rehabilitate himself with the "Central" Party and at the same time render a great service to the Catholic Church. But I could not affirm that von Papen did not speak to Hitler about this scheme before going to Rome for the Easter festivals in 1933.

2) I cannot give an answer to the second question, viz. whether the text of the Concordat proposed by the defendant did not have Hitler's approval from the beginning since I have no information as to this. I do know, on the other hand, that von Papen several times telephoned from Rome to Hitler on this subject, I am, however, not able to give the sense or the text of the communications.

3) It did not need much effort to obtain Hitler's consent to the text of the Concordat for the difficulties did not originate from Hitler for whom the Concordat meant a huge success from the point of viewof foreign policy,

H0686-0093

H0686-0094

but rather from the Ministry of the Interior at the head of which was FRICK.

This Ministry held a session at night and sent the Ministerial Director Dr. BUTTMANN to Rome by aereplane to continue the negotiation there together with von PAPEN. The original text planned by Cardinal PACELLI, von PAPEN and Monsigneur KAAS as well as by me was not materially changed by Dr. BUTMANN, - which surprised us.

Question 2: Was the activity of the defendant, when concluding the Concordat, dictated by his positive attitude to religion?

Answer: I can certify that the activity of the Defendant von PAPEN when the Concordat was concluded, was dictated by his positive attitude to religion.

Question 3: Did the German Episcopate welcome the conclusion of the Concordat?

Answer: The German Episcopate was pleased when the Concordat was concluded.

Question 4: Did the Concordat gdve the Church juridical support in the subsequent religious strife?

Was the Church able, up to the very end, to invoke the Concordat?

Answer: The Concordat was often broken, even on important points, but it did in many instances give the Church juridical support in subsequent religious strife. The Church was always able, up to the very end, to refer to the Concordat.

Question 5: Was the Community of German Catholic Workers (Arbeitsgemeinschaft Katholischer Deutscher) an association which, in its political character, was not among the Catholic organizations protected by the Concordat?

Could disbanding it then not be considered a breach of the Concordat?

H0686-0095

Answer: The Community of German Catholic Workers was not an association coming under Article 31 of the Concordat and consequently was not among the Catholic organizations protected by the Concordat.

The breaking up of the "Community of German Catholic Workers" cannot therefore be considered as violation of the Concordat.

H0686-0096

Questionnaire

of the Archbishop RONCALLI,

Apostolic Nuncio in Paris.

To the Chief of the investigation committee

"Copy"

On the 7 of June we, DEJEAN DELA BATIE, Chief of the investigation committee at the Seine-Tribunal, visited, in response to a request for legal assistance by the International Military Tribunal at Nuernberg dated 22 May 1946 the building of the Nuncio. 10 Avenue du President Wilson, Paris, where we were received by his Eminency the Apostolic Nuncio, to whom we submitted the subject of our instruction.

His Eminency Ange Joseph RONCALLI told us, that on account of canoncial and diplomatic rules it did not appear possible for him to give us an immediate reply and that he would inform us as soon as he considered a reply possible to the questions addressed to him.

Signed by His Eminency the Apostolic Nuncio, by us and by our Court typist.

signed: Ange RONCALLI De La BATIC CHATEL

H0686-0097

The Chief of the

Evidence Committee

Seine-Tribunal.

On Friday, twenty first of June, nineteen hundred and forty six, before Us, DEJEAN DELA BATIE, Senior Examining Magistrate of the Seine Tribunal sitting at Paris, at the residence of the Apostolic Nuncio, 10 Avenue du President Wilson, Paris, accompanied by CHATEL, Clerk of the Court, there appeared the witness hereinafter named, to whom we explained the facts about which he is called upon to testify, in execution of the rogatory Commission dated twenty second of May nineteen hundred and forty six of the International Military Tribunal, NUERNBERG.

After having taken the oath to tell the whole truth and nothing but the truth and having by us been asked his name, Christian name, age profession and domicile, whether he is in the service of, a relative of or connected with the parties and to what extent, the witness replied to us and testified as follows:

"My name is RONCALLI, Ange, Joseph, 65 years old, Apostolic Nuncio at Paris, neither related to, connected with or in the service of the accused."

Reply to the first question:

The witness retains a live remembrance of the good dispositions of von PAPEN, as regards everything that concerns the interests of the Catholic Church, but he has no knowledge of the steps that von PAPEN might have wanted to take or did take in order to obtain the Reich government's consent to establishing at Ankara an Apostolic representative of the Holy See.

The situation of the latter has remained unchanged in Greece.

Reply to the second question:

The witness, on several occasions, heard von PAPEN express his grief and the opposition of his spirit to the effort made by the Reich government to do away with the congregational schools, but he could not say anything more.

With regard to the two large schools (twofold school) called Saint-George, directed at Istambul by the Austrian Lazarist Brothers and by the Sisters of St. Vincent de Paul, who were also Austrians, it is certain that von PAPEN protected and helped them a great deal, even from a financial point of view. In effect, these two flourishing scholastic institutions remained open as long as von PAPEN remained in Turkey.

Reply to the third question:

Von PAPEN was known to the witness during the four years 1940-1944 as a correct person and a distinguished man in his personal relations. As a practicing Catholic, his exemplary conduct, and that of his whole family, awakened general respect, apart from any appreciation of a political or diplomatic nature.

Read, approved and signed.

(signed) Ange Joseph RONCALLI
Apostolic Nuncio

The Senior Judge DEJEAN DE LA BATIE
Chatel, Clerk of the Court.

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Document Book VON PAPEN

Document No. 105

(Page 280 of original)

Certificate

The undersigned, H. DUFELDT certifies that he is fully conversant with both the French and the German languages and that the above document is an exact and truthful translation of this protocol.

Nuernberg, 11 July 1946

signed: H. DUFELDT

Section VI.

H0686-0100

Composition of the questions and replies of

Archbishop RONCALLI.

Question 1: Did the defendant von PAPEN after the occupation of Greece by German troops, upon suggestion of the witness, succeed in obtaining the Reich Government's consent of establishing at Athens an apostolic representation of the Holy See, a wish of the Holy See, which had not been fulfiled for decades?

Reply to the first question:

The witness retains a live remembrance of the good disposition of von PAPEN, as regards everything that concerns the interests of the Catholic Church, but he has no knowledge of the steps that von PAPEN might have wanted to take or did take in order to obtain the Reich government's consent to establishing at Athens an apostolic representative of the Holy See.

The situation of the latter has remained unchanged in Greece.

Question 2: Did the defendant von PAPEN actively oppose the efforts of the Reich government towards complete liquidation of congregational schools? Did he, in particular, prevent the dissolution of the Saint George School, directed at Istambul by the Lazarist Brothers and attended by about 800 pupils, and did he support this school financially all the time, contrary to the instructions of the Reich government?

Reply to the second question:

The witness, on several occasions, heard von PAPEN express his grief and the opposition of his spirit to the effort made by the Reich government to do away with the congregational schools, but he could not say anything more.

H0686-0101

with regard to the two large schools (twofold schools) called Saint George, directed at Istambul by the Austrian Lazarist Brothers and by the Sinisters of St. Vincent de Paul, who were also Austrians, it is certain that von PAPEN protected and helped them a great deal, even from a financial point of view. In effect, there two flourishing scholastic institutions remained open as long as von PAPEN remained in Tureky.

Question 3: Is the defendant von PAPEN known to the witness, from his entire activity as Ambassador in Turkey, as a personality which openly and in every way supported and promotedtthe interests of the Church?

Reply to the third question:

Von Papen was known to the witness during the four years 1940-1944 as a correct person and a distinguished man in his personal relations. As a practising Catholic, his exemplary conduct, and that of his whole family, awakened general respect, apart from any appreciation of a political or diplomatic nature.

H0686-0102

Document Book

Document No.106

(Page 283 of original)

Questionnaire of Jan GAWRONSKI.

Deposition of Jan GAWRONSKI taken before me, Byron B. SNYDER, Vice Consul of the United States of America at Rome, Italy, with respect to the trial at the International Military Tribunal in Nuernberg between representatives of certain United Nations, plaintiffs, and Franz von PAPEN, defendant.

- - - - - -

Jan GAWRONSKI, residing at Rome Italy, and formerly stationed as Ambassador of Poland in Vienna, Austria, 54 years of age, who, as I have ascertained, understands and speaks the English language fluently, being first duly sworn by me, deposes and says in answer to the following four enumerated interrogations:

1st Question: During your entire time in office in Vienna when in close professional contact with the defendant von PAPEN, which was based on the then friendly relations between Poland and Germany, did your ever have the impression that the defendant propagandized a policy of expansion toward the Southeast?

Answer: If expansion is interpreted as an annexation by violence and military measures - No.

If expansion means the gaining of economic and political influence, - then Yes, but even then only if "propagandized" means what his views in a private conversation illustrate as the defendant - to my knowledge - never extended any political activity toward the Southeast, that being beyond the scope of his mission.

2nd Question: During your entire time in office in Vienna when in close professional contact with the defendant von PAPEN, which was based on the then friendly relation between Poland and Germany, did you ever have the impression that there was talk on the part of the defendant

H0686-0103

of an expansion particularly towards Czechoslovakia, and that consequently promises were made to Poland as to territory to be taken from Czechoslovakia?

Answer: Since both our governments had an ill-treated minority in Czechoslovakia we often talked about possible solutions, but there was never any mention of territorial aggrandisment at the expense of Czechoslovakia either for Poland or for Germany. Only once a suggestion was sent through me to the Polish government that our two minorities should cooperate in their political tactics, aimed at mitigating the hardships to which they were both exposed at the hands of the Czech police, but this suggestion was turned down by Warsaw. Up to the spring of 1938, which was the last time I was concerned with the situation in Czechoslovakia, it was generally admitted in the leading Nazi circles that the annexation of the Sudetenland would not serve German interests. HITLER himself explained to me at great length in April 1938 that any frontier between the German and the Czech provinces of Czechoslovakia would cut off Germany from gaining influence to the East of it, whereas a powerful and influentiel German minority backed by Germany within the Czechoslovak state would enable German influence to expand eastward and perhaps dominate the whole of the country. He therefore intended to do all he could to support that minority and help it to gain dominating influence in Czechoslovakia, but he had no intention of annexation.

Not only were no promises of Czech territory made to Poland, but on the contrary even when the Polish government committed the blunder of taking Polish Teschen, the Germans were highly displeased as they hoped to have the Teschen mines and industry under their own influence together with the whole of Czechoslovakia.

H0686-0104

3rd Question: During your entire time in office in Vienna when in close professional contact with the defendant von PAPEN, which was based on the then friendly relations between Poland and Germany, did you ever have the impression that the defendant's activity was in reality confined to the special task with which he was charged, namely to bring about good relations with the Austrian government?

Answer: The defendant's activity in Austria between August 1937 and February 1938 was confined to his special task of bringing about good relations between Germany and Austria. His formula for creating such good relations was that "Germany should recognize and guarantee the independence of Austria, provided Austria, as the second German state, recognized her obligation to conduct a foreign policy in accordance with its own peculiar German character." The defendant worked for a solution along these lines and was therefore bitterly attacked by the Austrian Nazi party which was for complete union with Germany.

The defendant frequently expressed his conviction that the annexation of Austria was not in Germany's interest. The latter would be served far better by an independent but thoroughly friendly Austria which in the case of war would cover the whole of Germany's southern flank.

4th Question: During your entire time in office in Vienna, when in close professional contact with the defendant von PAPEN, which was based on the then friendly relations between Poland and Germany, did you ever have the impression that his intentions included preferably a merely evolutionary development in the German-Austrian relationship?

Answer: The defendant always worked for an evolutionary development in German-Austrian relationship, as indicated above. This policy gained him the bitter enmity of the local Nazi leaders who were convinced that their objective of unification with Germany could never be reached by anything

H0686-0105

short of arms. Leopold complained to me of the defendant's weakness in his dealings with Schuschnigg. From about the autumn of 1936 - as soon as they saw that the defendant's policy of appeasement was not leading to the total subjugation of Austria as quickly as they had hoped - the Austrian Nazis began intriguing in Berlin to have the defendant dismissed, and succeeded in doing so in February 1938 as soon as the attack on Austria had been decided on by Hitler.

H0686-0106

Rome, Italy)
) SS:
Embassy (Consular Section))
of the United States of America)

I, Byron B. SNYDER, American Vice Consul in Rome, Italy, duly commissioned and qualified, herewith certify, that on the basis of the authority of the International Military Tribunal at Nuernberg conveyed by written request of the United States Political Adviser for Germany dated 27 May 1946, I have examined Jan GAWRONSKI at my office in Rome, Italy, on the 18th day of June, 1946, and that the said witness personally known to me and known to me to be the same person named and described in the preceding attached, questionnairies, being by me first sworn to testify the truth, the whole truth, and nothing but the truth in answer to the questionnairies, his evidence was duly recorded, and after having been read over and affirmed by him to be correct, was subscribed by him in my presence.

In witness thereof, I have hereunto set my hand and seal of office at Rome, Italy, this 18th day of June 1946.

s/ BYRON B. SNYDER

t/ Byron B. Snyder

American Vice Consul

Seal Reference
No.2980

No fee prescribed
and none received

I, Dr. Karl NEUMANN, British Expeditionary Force Permit No. 112293, herewith certify, that I am thoroughly conversant in the English and the German languages, and that the above is a true and correct translation of Document No. 106.

18 July 1946

Dr. Karl NEUMANN

Br.Exp. F. Permit No. 112293

Filed August 28, 1946

V. PAPEN EXHIBIT No. 107

INTERROGATORY DR. VISSER

H0686-0107

REPLY OF THE WITNESS DR. VISSER TO THE INTERROGATORY OF THE DEFENDANT

VON PAPEN

1. The witness believes that he knew the defendant at Ankara well enough, to give an opinion with respect to the latter's attitude to the war.

2. The witness is of the opinion that the defendant did not "wish for the war"; the defendant stated several times to the witness that he considered the war a great catastrophe for Germany as well as for Europe.

3. The defendant in conversations with the witness between the 1st September 1939, and the 10th May 1940, often mentioned that he was trying with all the means at his disposal to bring the war to an end or in any case to prevent an expansion of it.

4. The witness did not consider it impossible to bring to the knowledge of British officials information regarding the existence of acceptable peace proposals, should the defendant wish to transmit this information to him. The witness informed von Papen accordingly.

5. Defendant thereupon discussed with witness the procedure to be followed. Later defendant informed witness that the plan had been submitted to a member or members of the Reich Government and that he was now awaiting its approval and further instructions.

6. It is true that the witness had authorized the defendant to declare in Berlin that the Minister for Foreign Affairs had not raised any objection against his proceeding to Berlin in order to discuss there this matter and to transmit personally the information he would have obtained there to the highest British authorities in London.

7. The witness remembers that the defendant, in December 1939, returned from his journey to Berlin depressed and disappointed; the witness believed that this was because in spite of all his efforts his mission had been a failure.

8. With reference to the question put sub 8 the witness submits herewith a certified copy of the letter which the defendant on the 10th May 1940 wrote to the witness.

(Sgd.) Visser

For authentication of the signature of Dr. Ph. C. Visser, formerly H.M. Minister at Ankara
The Hague, July 27th, 1946
(Signature illegible)
Secretary-General to the Ministry for Foreign Affairs.

T R A N S L A T I O N

COPY

THE ENVOY EXTRAORDINARY AND
PLENIPOTENTIARY OF THE GERMAN REICH

Ankara, 10 May 40

Dear Friend,

The tragedy in which Europe and its Western mission seem to be perishing fills me with profound bitterness. The rolling avalanche does not care about the fate of individuals, and it is probably the most painful loss of these present times that one has to lose good friends.

Allow me to tell you once more at this moment that I and all of us were lucky that life brought us together -- even if for too short a time-- with the "Man", the "Patriot", and "European", Dr. Visser. An unfavourable destiny has denied us the chance to do something decisive mutually for our countries and for Europe.

I shall not survive this war, but a just chronicle will be obliged to establish one day that, in the weight of responsibility resting on me, I have tried all that was humanly possible.

I cannot expect from you that you should separate the human being from the statesman-- I may only hope that you understood me in the, alas, too short time of our collaboration.

The motto for the present and the future must be Goethe's saying:

"Only those have a right to freedom and life who have to struggle for them every day".

Farewell, and may God protect you.

Yours

(Sgd.) FRANZ PAPEN

Rubber stamp-
Dutch
Foreign
Office-

I certify that the above is the text of the letter received by Dr. PH. C. Visser, formerly H.M. Minister at Ankara, from V. Papen on May 10th, 1940.

The Hague, 27th July 1946

(Signature illegible)

Secretary-General to the Ministry for
Foreign Affairs